

BOARD OF COMMISSIONERS

7/6/2009

304 E. Grand River Ave., Howell, MI

7:30 PM

AGENDA

- 1. CALL MEETING TO ORDER**
 - 2. PLEDGE OF ALLEGIANCE**
 - 3. ROLL CALL**
 - 4. CORRESPONDENCE**
 - A. County of Alger - Remonumentation Program
 - B. County of Alger - Taxable value of real estate
 - C. County of Alger - State Revenue Sharing
 - D. County of Alger - Hire Michigan First
 - E. County of Alger - Funding of Public Health Servicers
 - F. County of Alger -Brownfield Site Development
 - G. County of Charlevoix - Childrens' Rights
 - H. County of Oscoda - Road Commission Board Seats by Election
 - I. County of Oscoda - Hold counties harmless from DHS
 - J. County of Oscoda - Taxable Value of Real Estate
 - K. County of Oscoda - Road Rage
 - L. County of Oscoda - Ordinance - Regulating Off-Road Vehicles
 - M. County of Bay - Health Care Reform
 - 5. CALL TO THE PUBLIC**
 - 6. APPROVAL OF MINUTES**
 - A. Minutes of Meeting dated June 15, 2009
 - 7. TABLED ITEMS FROM PREVIOUS MEETINGS**

None
 - 8. APPROVAL OF AGENDA**
 - A. Consent Agenda Items - Res. 2009-07-194 thru 196
 - B. Regular Agenda Items -Res. 2009-07-197 thru 223
 - 9. REPORTS**
 - A. Sen. Valde Garcia, Rep. Bill Rogers, Rep. Cindy Denby
 - B. Recognition of Michigan Bass Masters
 - 10. APPROVAL OF CONSENT AGENDA ITEMS (Roll Call)**
 - A. Consent Agenda Items - Res. 2009-07-194 thru 196
 - 11. RESOLUTIONS FOR CONSIDERATION:**
 - A. Regular Agenda items - Res. 2009-07-197 thru 223
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- 2009-07-194** RESOLUTION TO AUTHORIZE REQUEST TO USE COUNTY GROUNDS FOR THE 2009 HOWELL MELON FESTIVAL – Building Services
-
- 2009-07-195** RESOLUTION TO AUTHORIZE REQUEST TO USE COUNTY GROUNDS FOR MAKING STRIDES AGAINST BREAST CANCER – Building Services
-
- 2009-07-196** RESOLUTION TO AUTHORIZE REQUEST TO USE COUNTY GROUNDS FOR THE AMERICAN RED CROSS EVENT RIDE FOR THE RED – Building Services
-
- 2009-07-197** RESOLUTION IN OPPOSITION TO SENATE APPROPRIATIONS SUBSTITUTE TO HOUSE BILL # 4436, COMMUNITY MENTAL HEALTH APPROPRIATIONS - Community Mental Health / Board of Commissioners
-
- 2009-07-198** RESOLUTION AUTHORIZING THE PURCHASE OF PARKING LOT REPAIR AND MAINTENANCE - Building Services / General Government Committee / Finance Committee
-
- 2009-07-199** RESOLUTION AUTHORIZING CAPITAL IMPROVEMENT EXPENDITURE FOR REPLACEMENT OF COMPRESSOR AT ADMINISTRATION BUILDING - Building Services / Finance Committee
-
- 2009-07-200** RESOLUTION TO CONCUR WITH THE LIVINGSTON COUNTY AERONAUTICAL FACILITIES BOARD AND ENTER INTO AN AGREEMENT WITH REYNOLDS, SMITH & HILLS OF FLINT, MICHIGAN FOR THE PRE-DESIGN OF THE AIRPORT TERMINAL BUILDING - Airport / General Government Committee / Finance
-
- 2009-07-201** RESOLUTION TO CONCUR WITH THE LIVINGSTON COUNTY AERONAUTICAL FACILITIES BOARD TO ENTER INTO AN EASEMENT AGREEMENT WITH HOWELL TOWNSHIP FOR SEWER AND WATER LINES EAST OF TOOLEY ROAD - Airport / General Government Committee / Finance
-
- 2009-07-202** RESOLUTION AUTHORIZING THE REDUCTION IN THE PUBLICATION OF BOARD OF COMMISSIONERS' MINUTES – County Clerk / General Government Committee / Finance
-
- 2009-07-203** RESOLUTION AUTHORIZING AN AMENDMENT TO THE “ADVANCE OF FUNDS AGREEMENT” ALLOWING FOR AN AMORTIZED PAYBACK TO FUNDS ADVANCED BY LIVINGSTON COUNTY – Department of Public Works / Infrastructure & Development Committee / Finance
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- 2009-07-204** RESOLUTION TO AUTHORIZE A COOPERATIVE REIMBURSEMENT CONTRACT FOR FISCAL YEAR 2010 WITH THE MICHIGAN DEPARTMENT OF HUMAN SERVICES AND THE FAMILY SUPPORT DIVISION OF THE PROSECUTORS OFFICE – Family Support / Public Safety Committee / Finance

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- 2009-07-205** RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE MICHIGAN DEPARTMENT OF CORRECTIONS FOR APPROPRIATIONS FOR FISCAL YEAR 2010 - Community Corrections / Public Safety Committee / Finance
-
- 2009-07-206** RESOLUTION FOR LIVINGSTON COUNTY TO ENTER INTO INTERLOCAL AGREEMENTS WITH SEVERAL FIRE, POLICE AND OTHER PUBLIC SAFETY DEPARTMENTS COLLECTIVELY REFERRED TO AS PUBLIC SAFETY AGENCIES - Information Technology / Public Safety Committee / Finance
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- 2009-07-207** RESOLUTION AUTHORIZING THE CREATION OF THE POSITION OF PUBLIC SAFETY TECHNOLOGY SPECIALIST FOR THE NEW COUNTY OWNED PUBLIC SAFETY TECHNOLOGY SOLUTION WITH SUNGARD PUBLIC SAFETY SECTOR OSSI AND FIREHOUSE - Information Technology / Personnel Committee / Finance
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- 2009-07-208** RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM CORRECTIONS OFFICER TRAINING FUND TO INMATE TRUST ACCOUNT – Sheriff Department / Public Safety Committee / Finance
-
- 2009-07-209** RESOLUTION AUTHORIZING ATTENDANCE TO OUT OF STATE TRAINING FOR SHERIFF CHAPLAIN – Sheriff / Road Patrol / Finance Committee
-
- 2009-07-210** RESOLUTION APPROVING THE PROGRAM YEAR 2009 WORKFORCE INVESTMENT ACT ADULT PLAN FOR LIVINGSTON COUNTY - Michigan Works!/ Health & Human Services Committee / Finance
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- 2009-07-211** RESOLUTION APPROVING THE PROGRAM YEAR 2009 WORKFORCE INVESTMENT ACT (WIA) YOUTH PLAN FOR LIVINGSTON COUNTY - Michigan Works!/ Health & Human Services Committee / Finance
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- 2009-07-212** RESOLUTION APPROVING THE PROGRAM YEAR 2009 WORKFORCE INVESTMENT ACT DISLOCATED WORKERS PLAN FOR LIVINGSTON COUNTY - Michigan Works!/ Health & Human Services Committee / Finance
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- 2009-07-213** RESOLUTION APPROVING THE SUBMISSION OF THE WIA INCUMBENT WORKER PROPOSAL PLAN FOR PY 2009 - Michigan Works!/ Health & Human Services Committee / Finance
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- 2009-07-214** RESOLUTION APPROVING THE SUBMISSION OF THE COMPREHENSIVE 5-YEAR LOCAL PLAN MODIFICATION FOR THE PERIOD JULY 1, 2007 THROUGH JUNE 30, 2010 - Michigan Works!/ Health & Human Services Committee / Finance
-
- 2009-07-215** RESOLUTION APPROVING AN AMENDMENT TO THE CONTRACT

BETWEEN THE OAKLAND LIVINGSTON HUMAN SERVICES AGENCY
AND LIVINGSTON COUNTY MICHIGAN WORKS! FOR THE MICHIGAN
PRISONER RE-ENTRY INITIATIVE - Michigan Works!/ Health & Human
Services Committee / Finance

2009-07-216 RESOLUTION APPROVING THE SUBMISSION OF THE PROGRAM YEAR
2009 WAGNER-PEYSER ACT LOCAL EMPLOYMENT SERVICE PLAN -
Michigan Works!/ Health & Human Services Committee / Finance

2009-07-217 RESOLUTION TO ESTABLISH A POLICY REGARDING VACANCY
REVIEW - Human Resources / Personnel Committee / Finance

2009-07-218 RESOLUTION AUTHORIZING AN INCREASE IN THE DEPARTMENTAL
FINANCIAL ANALYST POSITION FROM ONE TO THREE DAYS PER
WEEK - Administration / Personnel Committee / Finance

2009-07-219 RESOLUTION TO APPROVE THE THIRD AMENDMENT TO THE
LIVINGSTON COUNTY RETIREE HEALTH CARE PLAN - Benefits /
Personnel Committee / Finance

2009-07-220 RESOLUTION TO ADOPT THE MICHIGAN MUNICIPAL EMPLOYEES'
RETIREMENT SYSTEM HEALTH SAVINGS PROGRAM FOR
ADMINISTRATION OF THE COUNTY OF LIVINGSTON RETIREE
HEALTH SAVINGS PROGRAM - Livingston County Administration /
Personnel Committee / Finance

2009-07-221 RESOLUTION TO CEASE PARTICIPATION IN THE ICMA RETIREMENT
CORPORATION'S VANTAGECARE RETIREMENT HEALTH SAVINGS
(RHS) PLAN (Plan No. 800766) - Administration / Personnel Committee /
Finance

2009-07-222 RESOLUTION TO ADOPT THE MUNICIPAL EMPLOYEES' RETIREMENT
SYSTEM OF MICHIGAN HYBRID RETIREMENT PLAN - Livingston County
Administration / Finance

2009-07-223 RESOLUTION AUTHORIZING A PURCHASE ORDER TO AMCOMM
TELECOMMUNICATIONS, INC. FOR FIBER INSTALL FROM HOWELL
PUBLIC SCHOOLS TO LESA, AND FROM HOWELL FIRE DEPARTMENT
TO CHALLENGER ELEMENTARY UTILIZING A TOTAL UNDERGROUND
PATH SOLUTION - Information Technology

- 12. MOTION TO ACCEPT FINANCE COMMITTEE RECOMMENDATION
FOR APPROVAL OF CLAIMS DATED JUNE 24, 2009**
- 13. CALL TO THE PUBLIC**
- 14. ADJOURNMENT**

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

RESOLUTION

NO: 2009-07-194

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION TO AUTHORIZE REQUEST TO USE COUNTY GROUNDS FOR THE 2009 HOWELL MELON FESTIVAL – Building Services

WHEREAS, City of Howell and the Howell Downtown Development Authority has requested the use of County grounds, specifically the Courthouse Lawn and Amphitheater, and the Courthouse and Administration Building Parking Lots, for the purpose of holding the 2009 Howell Melon Festival on Friday, August 14 from 4:00 pm to 10:00 pm; Saturday, August 15, 2009, from 9:00 am to 11:30 pm; and Sunday, August 16, 2009, from 9:00 a.m. to 6:00 pm.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the request for use of County grounds by the City Howell and the Howell Downtown Development Authority, for the purpose of holding the 2009 Howell Melon Festival on Show event on Friday, August 14 from 4:00 pm to 10:00 pm; Saturday, August 15, 2009, from 9:00 am to 11:30 pm; and Sunday, August 16, 2009, from 9:00 a.m. to 6:00 pm.

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

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2009-07-195

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION TO AUTHORIZE REQUEST TO USE COUNTY GROUNDS FOR MAKING STRIDES AGAINST BREAST CANCER – Building Services

WHEREAS, American Cancer Society has requested the use of County grounds, specifically the Courthouse Lawn and Amphitheater, and the Courthouse and Administration Building Parking Lots, for the purpose of holding the event Making Strides Against Breast Cancer on Saturday, October 10, 2009, from 7:00 am to 12:00 pm.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the request for use of County grounds by the American Cancer Society, for the purpose of holding the event Making Strides Against Breast Cancer on Saturday, October 10, 2009, from 7:00 am to 12:00 pm

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

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2009-07-196

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION TO AUTHORIZE REQUEST TO USE COUNTY GROUNDS FOR THE AMERICAN RED CROSS EVENT RIDE FOR THE RED – Building Services

WHEREAS, American Red Cross has requested the use of County grounds, specifically the East Complex parking lot, for the purpose of holding the event Ride for the Red on Sunday, September 13, 2009, from 7:00 am to 2:00 pm.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the request for use of County grounds by the American Red Cross, for the purpose of holding the event Ride for the Red on Sunday, September 13, 2009, from 7:00 am to 2:00 pm

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

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2009-07-197

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION IN OPPOSITION TO SENATE APPROPRIATIONS SUBSTITUTE TO HOUSE BILL # 4436, COMMUNITY MENTAL HEALTH APPROPRIATIONS - Community Mental Health / Board of Commissioners

WHEREAS, the Michigan Senate Substitute to House Bill #4436 directs that the distribution of funds for Community Mental Health Non-Medicaid Services shall be directed to the existing Pre-paid Inpatient Health Plans (PIHPs); and

WHEREAS, distributing funds directly to PIHPs will result in the closing and consolidation of 28 Community Mental Health Boards (CMHSP); and

WHEREAS, Consolidation of community mental health services reduces services and will have a detrimental effect on the provision of integrated local care to mental health consumers; and

WHEREAS, the proposed Senate Substitution will create chaos at a critical moment and does not save any money for the following reasons:

- Local CMHSP's directly operate most key services particularly in rural areas. Abolishing them destroys most of the systems capacity at a time when service demand is at an all time high.
- Federal law requires that consumers be offered local access to services close to home. Taking down county based CMH's will require a new "local" system to replace what already exists and is working very efficiently.
- Contracting for local services instead of operating them does not save any administrative costs since contractors have similar administrative overhead
- Several PIHP's including the Washtenaw Community Health Organization have said that they do not want the responsibility for General Funds.
- Requiring the transfer from a local CMH Authority to a regional PIHP will void the local match dollar caps for counties; and

WHEREAS, many of the affected Counties have invested in quality services for their most vulnerable citizens by supporting bonds to develop quality mental health facilities. The terms of these financial obligations extend well into the future. Eliminating funding as proposed in the Senate Substitution to HB 4436 will effectively remove the funding placing the burden of the debt obligations solely on the County, thus further threatening essential local services; and

WHEREAS, the proposed de-funding of CMH's and the alternative funding of PIHP's is illegal under the Michigan Mental Health Code:

- The Mental Health Code in Section 330.1202 says that "the State shall financially support, in accordance with Chapter 3, community mental health services programs that have been established....;" and

WHEREAS, reducing funding to Community Mental Health by \$61.8 million will inflict unimaginable suffering with untreated mental illness and children and their families trying to cope with serious emotional disturbances.

THEREFORE BE IT RESOLVED the Livingston County Board of Commissioners recognizes the negative impact of the Michigan economy on all public bodies and the resultant need to scrutinize all spending. However, in order to insure cost effective services to some of the State's most at risk citizens who otherwise would be denied essential mental health services, Senate Substitution to House Bill 4436 must be opposed and traditional funding restored.

BE IT FURTHER RESOLVED that the Livingston County Clerk be directed to forward copies of this resolution to Governor Jennifer Granholm, Michigan State Senators and State Representatives, and the Michigan Association Counties.

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MOVED:

SECONDED :

CARRIED:

RESOLUTION

NO:

2009-07-198

LIVINGSTON COUNTY

DATE:

July 6, 2009

RESOLUTION AUTHORIZING THE PURCHASE OF PARKING LOT REPAIR AND MAINTENANCE - Building Services / General Government Committee / Finance Committee

WHEREAS, the Building Services Department has recognized a need for parking lot repair and maintenance; and

WHEREAS, Building Services is recommending that deteriorating parking blocks and drains be replaced in County owned parking lots; and

WHEREAS, Building Services has utilized the purchasing policy and has had several vendors bid on the projects.

WHEREAS, Building Services is recommending the selection of Tom Rogers Asphalt, Inc. in the amount of \$ 19,161.50.

WHEREAS, the funds for this project will come from the Capital Replacement fund, fund # 403 with a net zero effect to the General Fund.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes a purchase order for the repair and maintenance of parking lots by Tom Rogers Asphalt, Inc. in an amount not to exceed amount of \$19,161.50.

BE IT FURTHER RESOLVED that the Livingston County Board of Commissioners authorizes the transfer of \$19,162.00 from the Capital Replacement fund, fund # 403, to the Building Services line item # 631-269-777.000 for this expenditure.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2009-07-199

LIVINGSTON COUNTY

DATE: July 6, 2009

**RESOLUTION AUTHORIZING CAPITAL IMPROVEMENT EXPENDITURE FOR
REPLACEMENT OF COMPRESSOR AT ADMINISTRATION BUILDING - Building Services /
Finance Committee**

WHEREAS, Livingston County had a need to replace a compressor at the Administration Building;
and

WHEREAS, per the purchasing policy, a formal quoting process was performed and the submitted
quotes were reviewed which resulted in the approval of Resolution # 2008-12-360 which
awarded emergency HVAC services and repairs to Mechanical Services of Fenton,
Michigan; and

WHEREAS, the funds for this repair were budgeted for in the 2009 Building Services budget; and

WHEREAS, the Livingston County Building Services Department is requesting authorization to
transfer the current year budgeted funds from the Capital Improvement Fund to the
Building Services Fund for the amount of \$ 13,216.00 to cover the replacement of this
compressor unit at the Administration Building.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby
authorizes a transfer of funds, for the replacement of a compressor at the Administration
Building, from the Capital Improvement Fund to the Building Services Equipment
Purchases fund in the amount of \$ 13,216.00.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2009-07-200

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION TO CONCUR WITH THE LIVINGSTON COUNTY AERONAUTICAL FACILITIES BOARD AND ENTER INTO AN AGREEMENT WITH REYNOLDS, SMITH & HILLS OF FLINT, MICHIGAN FOR THE PRE-DESIGN OF THE AIRPORT TERMINAL BUILDING - Airport / General Government Committee / Finance Committee

WHEREAS, the Michigan Department of Transportation, Bureau of Aeronautics & Freight, has advised that they expect to provide funding for a new terminal building in 2011; and

WHEREAS, funding is available for the pre-design of the building at this time in order to plan for the future terminal building; and

WHEREAS, Reynolds, Smith & Hills of Flint, Michigan has been selected to provide design services for the terminal building; and

WHEREAS, The amount of the agreement is \$33,945 and the local share (2.5%) will be \$848.63.

THEREFORE BE IT RESOLVED the Livingston County Board of Commissioners concurs with the Livingston County Aeronautical Facilities Board to enter into an agreement with Reynolds, Smith & Hills for the pre-design of the future Airport Terminal Building in the amount of Thirty Three Thousand Nine Hundred Forty-Five Dollars (\$33,945.00)

BE IT FURTHER RESOLVED the local share of \$848.63 shall be advanced from the Airport Loan Agreement upon receipt of an invoice from MDOT.

BE IT FURTHER RESOLVED that the Board Chair be authorized to sign said agreement upon review by Civil Counsel.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2009-07-201

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION TO CONCUR WITH THE LIVINGSTON COUNTY AERONAUTICAL FACILITIES BOARD TO ENTER INTO AN EASEMENT AGREEMENT WITH HOWELL TOWNSHIP FOR SEWER AND WATER LINES EAST OF TOOLEY ROAD - Airport / General Government Committee / Finance Committee

WHEREAS, Howell Township plans to install sewer and water lines on the east side of Tooley Road for future development; and

WHEREAS, Howell Township has requested an underground easement in order to provide for these utilities along the north airport property line, east of Tooley Road; and

WHEREAS, the proposed easement language does comply with all FAA and MDOT requirements, which include language that requires the utility to pay for relocation of their equipment should it be required for the future needs of the airport; and

WHEREAS, the easement language stipulates that the easement shall not serve single family residential units or other owner occupied residential properties with the exception of the one single-family residence that currently exists.

THEREFORE BE IT RESOLVED the Livingston County Board of Commissioners concurs with the Livingston County Aeronautical Facilities Board to enter into an easement agreement with Howell Township for the purchase price of Twenty Thousand Dollars (\$20,000) to grant a twenty foot (20') easement to Howell Township for the installation of sewer and water lines along the north property line, east of Tooley Road.

BE IT FURTHER RESOLVED the Chair be authorized to sign the agreement as prepared by Civil Counsel.

BE IT FURTHER RESOLVED the payment of twenty thousand dollars (\$20,000.00) shall be due to the airport within 60 days of closing.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2009-07-202

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION AUTHORIZING THE REDUCTION IN THE PUBLICATION OF BOARD OF COMMISSIONERS' MINUTES – County Clerk / General Government Committee / Finance Committee

WHEREAS, the Board of Commissioners wishes to make available to all interested persons the agendas and minutes for any and all Board of Commissioners' meetings; and

WHEREAS, agendas and summaries are posted on the Livingston County website and are available to the public at the County Clerk's Office upon request at no charge; and

WHEREAS, the summary of the Board of Commissioners' meetings will no longer be posted in the local newspaper; instead a notice will be posted in the newspaper ~~quarterly~~ **monthly** indicating that the Board of Commissioners' minutes are available in the County Clerk's Office and posted on the County website.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves that effective immediately, the summary of the Board of Commissioners' meetings will no longer be posted in the local newspaper, instead a notice will be posted in the newspaper ~~quarterly~~ **monthly** indicating that the Board of Commissioners' minutes are available in the County Clerk's Office and posted on the County website.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2009-07-203

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION AUTHORIZING AN AMENDMENT TO THE “ADVANCE OF FUNDS AGREEMENT” ALLOWING FOR AN AMORTIZED PAYBACK TO FUNDS ORIGINALLY ADVANCED BY LIVINGSTON COUNTY – Department of Public Works / Infrastructure & Development Committee

- WHEREAS,** pursuant to Act No. 185, Public Acts of Michigan, 1957, as amended (“Act 185”), the County, Hartland and Tyrone Townships approved establishing projects known as 1) the “Tyrone Township Sanitary Sewer Project (2003)”, and 2) the “Hartland Township Sanitary Sewer Improvement Project (2003), collectively known as the “Livingston Regional Wastewater System” (hereinafter referred to as the “LRSS”); and
- WHEREAS,** the County has entered into an Act 342 Contract with the County of Genesee for the treatment of wastewater generated in Hartland and Tyrone Townships; and
- WHEREAS,** the Livingston Regional Wastewater System pursuant to the terms of the 342 Contract, is operated by the County through the Board of Public Works (BPW); and
- WHEREAS,** the County, Hartland and Tyrone Townships each agreed to contribute operating capital for the startup of the Livingston Regional Wastewater System; and
- WHEREAS,** the County did advance the sum of ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00) in starting capital to the Livingston Regional Wastewater System; and
- WHEREAS,** the “Advance of Funds Agreement” calls for the payback of the outstanding principal, in full on July 1, 2009; and
- WHEREAS,** the LRSS has paid interest to the County on the advanced funds for the first four (4) years, with the advanced funds due to be paid back in full this year (2009) after five (5) years of system operation; and
- WHEREAS,** the Livingston Regional Wastewater System has not realized the growth anticipated by the budget and initial rate projections, sufficient to repay the advanced funds in a lump sum; and
- WHEREAS,** the LRSS, through the BPW, proposes to modify the repayment schedule as originally agreed to the “Advance of Funds Agreement”.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners authorizes an amendment to the “Advance of Funds Agreement” wherein the payback term is to be extended for a period of five years according to the attached amortization schedule.

BE IT FURTHER RESOLVED that the Chairman of the Livingston County Board of Commissioners be authorized to sign the amendment to the “Advance of Funds Agreement” authorizing the above provisions upon review of Civil Counsel.

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**MOVED:
SECONDED:
CARRIED:**

RESOLUTION NO:

PAGE: 2

RESOLUTION

NO: 2009-07-204

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION TO AUTHORIZE A COOPERATIVE REIMBURSEMENT CONTRACT FOR FISCAL YEAR 2010 WITH THE MICHIGAN DEPARTMENT OF HUMAN SERVICES AND THE FAMILY SUPPORT DIVISION OF THE PROSECUTORS OFFICE – Family Support / Public Safety Committee / Finance Committee

WHEREAS, the Livingston County Board of Commissioners approved by Resolution No. 2008-07-191 dated July 7, 2008, the 2009 Cooperative Reimbursement Contract between the Michigan Department of Human Services and the Family Support Division of the Prosecutors Office; and

WHEREAS, the Cooperative Reimbursement contract for 2009 expires September 30, 2009; and

WHEREAS, the State of Michigan has mandated that all contracts for this program coincide with the time frame for the State fiscal year; and

WHEREAS, a new contract for 2010 is desirable for the purpose of securing appropriate funding for costs incurred in operating the Family Support Division’s program during fiscal year 2010.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners approves the application for and resulting 2010 Cooperative Reimbursement Contract with the Department of Human Services for the Family Support Division Cooperative Reimbursement Program with the grant period being October 1, 2009, through September 30, 2010, in the amount of \$249,013.00 with the Michigan Department of Human Services paying \$164,349.00 or approximately 66% of such amount and the County of Livingston funding the balance of \$84,664.00 or approximately 34%.

BE IT FURTHER RESOLVED that the chair of the Livingston County Board of Commissioners is authorized to sign the 2010 Cooperative Reimbursement Contract and any future amendments upon review of civil counsel.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO:

2009-07-205

LIVINGSTON COUNTY

DATE:

July 6, 2009

RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE MICHIGAN DEPARTMENT OF CORRECTIONS FOR APPROPRIATIONS FOR FISCAL YEAR 2010 – Community Corrections / Public Safety Committee / Finance Committee

WHEREAS, funding is available through the Michigan Department of Corrections for the purpose of operational expenses, program and Residential Treatment Services; and the Livingston County Community Corrections Advisory Board has approved and recommended application to the Michigan Department of Corrections for Fiscal Year 2010 (October 1, 2009 through September 30, 2010); and

WHEREAS, in Fiscal Year 2009, Livingston County was granted \$344,301.50 for said operational expenses, programs and Residential Treatment Services; and

WHEREAS, Livingston County is applying to receive \$441,278.50 for the period of October 1, 2009, through September 30, 2010, to be allocated the following:

Comprehensive Plans and Services	\$185,891
<u>Residential Treatment Services</u>	<u>\$225,387.50</u>
Grant Total	\$411,278.50

WHEREAS, this resolution has been recommended for approval by the Public Safety Committee

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the FY 2010 Grant Application documents.

BE IT FURTHER RESOLVED that the Chairman of the Board of Commissioners be authorized to sign the above Application, subsequent Grant Agreement and any future amendments for monetary and contractual language adjustments upon review by Civil Counsel.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2009-07-206

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION FOR LIVINGSTON COUNTY TO ENTER INTO INTERLOCAL AGREEMENTS WITH SEVERAL FIRE, POLICE AND OTHER PUBLIC SAFETY DEPARTMENTS COLLECTIVELY REFERRED TO AS PUBLIC SAFETY AGENCIES - Information Technology / Public Safety Committee / Finance Committee

WHEREAS, Livingston County has purchased and is implementing the SunGard OSSI information system, now referred to as “Livingston County Public Safety System,” which all of the Public Safety Agencies find desirable; and

WHEREAS, all the parties entering into this agreement are Brighton Area Fire Authority, City of Brighton, Fowlerville Area Fire Authority, Village of Fowlerville, Green Oak Township, Hamburg Township, Hartland Deerfield Fire Authority, Howell Area Fire Authority, City of Howell, Village of Pinckney, Putnam Township, and Unadilla Township; and

WHEREAS, all parties entering into this agreement find it to be in their mutual interest to share the technology, improve the quality of the public safety information and data sharing, and allow for the sharing of the maintenance costs; and

WHEREAS, the 911 Administrative Oversight Board has had this as a topic of discussion with all the collective agencies; and

WHEREAS, the parties have reached agreement concerning the details of sharing maintenance costs and responsibilities in a way which is fair and equitable for all and believe that this agreement should be set forth in writing pursuant to the requirements of Public Act 35 of 1051, the same being MCL 124.1 et seq; and

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorize and approve Livingston County to enter into an Interlocal Agreement with the county’s fire, police and other public safety departments collectively referred to as “Public Safety Agencies; and

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

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2009-07-207

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION AUTHORIZING THE CREATION OF THE POSITION OF PUBLIC SAFETY TECHNOLOGY SPECIALIST FOR THE NEW COUNTY OWNED PUBLIC SAFETY TECHNOLOGY SOLUTION WITH SUNGARD PUBLIC SAFETY SECTOR OSSI AND FIREHOUSE - Information Technology / Personnel 6/3/09 – Public Safety 6/8/09 – Personnel 6/17/09 - Finance 6/24/09 – Full Board 7/6/09

WHEREAS, Resolution 2009-03-094 dated March 16, 2009 was approved for public safety departments to obtain a “unified public safety technology solution” and there is consequently the need for a Public Safety Technology Specialist to operate, maintain and repair computer equipment and to provide technical assistance to users; and

WHEREAS, the funding for this position will come from 911 Surcharge Funds, and the person chosen for this position will report to the Information Technology department; and

WHEREAS, the Information Technology Contract position will not be replaced through Analysts International; and

WHEREAS, a full job description is attached to this Resolution for review; and

WHEREAS, this Resolution has been recommended for approval by the Public Safety and Personnel Committees.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby establishes a Public Safety Technology Specialist in Information Technology Department to operate, maintain and repair computer equipment and to provide technical assistance to users for the “unified public safety technology solution” at a Grade Level J, and the funding for this position will come from the 911 Surcharge Funds.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2009-07-208

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM CORRECTIONS OFFICER TRAINING FUND TO INMATE TRUST ACCOUNT – Sheriff Department / Public Safety Committee / Finance Committee

WHEREAS, Livingston County Sheriff’s Department Inmate Trust account has historically been difficult to reconcile due to software limitations; and

WHEREAS, per Board Resolution # 2006-12-387 an unidentified balance of \$19,378.92 was divided equally between the Corrections Officer Training Fund and the Inmate Rec and Ed Fund; and

WHEREAS, a recent upgrade by the JMS vendor to the accounting module in the Inmate Trust account now allows all funds to be designated into the proper accounts with the trust fund; and

WHEREAS, and as a result of this update it was determined that the Inmate Trust Account is short by \$4,016.42; and

WHEREAS, the shortage is most likely due to the routine transfer of inmate booking fees from the Inmate Trust account over to the Trust and Agency and the Correction Officers Training Funds whether the inmate paid the fee or not; and

WHEREAS, in order to reconcile this shortage and balance the Inmate Trust account, the Sheriff’s Department is requesting that funds be transferred from the Corrections Officer Training Fund back to the Inmate Trust Account.

THEREFORE BE IT RESOLVED that the Board of Commissioners authorizes the transfer of \$4016.42 from Fund 263 - Corrections Officer Training Fund to the Inmate Trust Account.

BE IT FURTHER RESOLVED that any required budget amendments relating to this transfer be authorized.

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MOVED:
SECONDED:
CARRIED:

RESOLUTION

NO: 2009-07-209

LIVINGSTON COUNTY

DATE: July 6, 2009

**RESOLUTION AUTHORIZING ATTENDANCE TO OUT OF STATE TRAINING FOR
SHERIFF CHAPLAIN – Sheriff / Road Patrol / Finance Committee**

WHEREAS, Scott Sage has provided ministerial service to the Sheriff’s Department as well as the communities they serve for the previous four years and has an opportunity to attend the International Conference of Police Chaplains (ICPC), 36th Annual Training Seminar, July 13 thru 17, 2009 held in Knoxville, TN; and

WHEREAS, Brighton City Police Department has agreed to pay the registration fee of \$345.00 for this year’s conference; and

WHEREAS, Chaplain Scott Sage has agreed to pay the cost of books, materials and meals at his own expense; and

WHEREAS, the training requires five nights lodging at a per room charge of \$104.00 plus state tax of 8% and city tax of 9.25% for a total of \$609.70; and

WHEREAS, the cost for membership into the ICPC is \$125.00 annually; and

WHEREAS, the Sheriff Department has sufficient training and membership dues funds budgeted for this conference which will be \$734.70.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes Chaplain Scott Sage of the Sheriff Department to attend the ICPC 36th Annual Training Seminar in Knoxville, TN.

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**MOVED:
SECONDED;
CARRIED**

RESOLUTION

NO: 2009-07-211

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION APPROVING THE PROGRAM YEAR 2009 WORKFORCE INVESTMENT ACT (WIA) YOUTH PLAN FOR LIVINGSTON COUNTY - Michigan Works! / Health & Human Services Committee / Finance

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

WHEREAS, The County of Livingston constitutes a jurisdiction designated as a Workforce Investment Area's /Michigan Works! Agency's by the Governor of the State of Michigan; and

WHEREAS, Each Workforce Investment Area/Michigan Works! Agency is required to submit job training plans which describe the planned services and goals for the programs; and

WHEREAS, The Livingston County WIA Youth Plan proposes to serve Youth ages 14-21 with an allocation of \$508,802; and

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

WHEREAS, The Livingston County Workforce Development Council approved this plan at their May 21, 2009 meeting.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the PY 2009 Workforce Investment Act Youth Plan in the amount of \$508,802 for the period of July 1, 2009 to June 30, 2010.

BE IT FURTHER RESOLVED that the Chair is authorized to sign said plan for submission to the Michigan Department of Energy, Labor & Economic Growth.

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**MOVED:
SECONDED:
CARRIED:**

RESOLUTION

NO.: 2009-07-212

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION APPROVING THE PROGRAM YEAR 2009 WORKFORCE INVESTMENT ACT DISLOCATED WORKERS PLAN FOR LIVINGSTON COUNTY - Michigan Works! / Health & Human Services Committee / Finance

WHEREAS, the Workforce Investment Act (WIA) authorizes programs and services targeted to dislocated workers; and

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

WHEREAS, Each MWA is required to submit job training plans which describe the planned services and goals for the programs; and

WHEREAS, The Livingston County WIA Dislocated plan proposes to serve dislocated workers with an allocation of \$604,628; and

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

WHEREAS, The Livingston County Workforce Development Council approved this plan at their May 21, 2009 meeting.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the PY 2008 WIA Dislocated Worker Plan in the amount of \$604,628 for the period of July 1, 2009 to June 30, 2010.

BE IT FURTHER RESOLVED that the Chair be authorized to sign said plan for submission to the Michigan Department of Energy, Labor and Economic Growth.

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**MOVED:
SECONDED:
CARRIED:**

RESOLUTION

NO: 2009-07-213

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION APPROVING THE SUBMISSION OF THE WIA INCUMBENT WORKER PROPOSAL PLAN FOR PY 2009 -- Michigan Works! / Health & Human Services Committee / Finance

WHEREAS, The Federal Workforce Investment Act (WIA) permits the use of funds for incumbent worker training programs, and

WHEREAS, The Michigan Department of Energy, Labor and Economic Growth has allocated \$5 million statewide for these programs, with Livingston County's share being \$95,549, and

WHEREAS, The PY 2009 funds are targeted to the following strategies and initiatives:

- Result in new jobs, job retention, or higher incomes for Michigan residents;
- Provide training to employers and/or industries and workers that need assistance to retain and expand jobs in Michigan;
- Serve as a catalyst for additional economic and workforce development, and result in additional economic benefits to the region and the state;
- Coordinate existing training programs for incumbent workers;
- Link workforce policies to economic development policies in priority industry sectors (e.g., manufacturing, health care, skilled trades, life sciences, homeland security, and other industries of state or regional importance);
- Foster and/or further the development of Michigan Regional Skill Alliances (MiRSAs), or existing Regional Skill Alliance-like entities that provide a coherent method for addressing local employers' concerns about worker shortages, skill shortages, training mismatches, or other workforce challenges; and
- Elevates the role community colleges undertake regarding workforce and economic development.

WHEREAS, The Michigan Department of Energy, Labor and Economic Growth requires that a proposal plan be submitted by each Workforce Board, which specifies how these funds will be utilized.

WHEREAS, The Livingston County Workforce Development Council Executive Committee approved this plan at their Jun 11, 2009 meeting.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the submission of the WIA Incumbent Worker Program Proposal Plan for the period of July 1, 2009 to June 30, 2010 in the amount of \$95,549 to the Michigan Department of Energy, Labor and Economic Growth.

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

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**MOVED:
SECONDED:
CARRIED:**

RESOLUTION

NO: 2009-07-214

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION APPROVING THE SUBMISSION OF THE COMPREHENSIVE 5-YEAR LOCAL PLAN MODIFICATION FOR THE PERIOD JULY 1, 2007 THROUGH JUNE 30, 2010 - Michigan Works! / Health & Human Services Committee

WHEREAS, The Workforce Investment Act (WIA) of 1998 authorizes programs and services mandated for the inclusion of the Michigan Works! System, and

WHEREAS, The enactment of the WIA envisions integrated workforce investment systems that can better respond to the employment needs of its customers, and

WHEREAS, The Michigan Department of Energy, Labor & Economic Growth/Bureau of Workforce Transformation (MDELEG/BWT) concludes that, at a minimum, each MWA's Adult and Dislocated Worker Comprehensive plan must be modified to account for changes resulting from the receipt of Recovery Act funds; and

WHEREAS, The MDELEG/BWT requires the local Comprehensive 5-Year Local Plan be modified for the period July 1, 2007 through June 30, 2010, and

WHEREAS, The Comprehensive 5-Year Local Plan modification requires approval of both the Board of Commissioners and the Livingston County Workforce Development Council; and

WHEREAS, The Livingston County Workforce Development Council Executive Committee approved this plan modification at their Jun 11, 2009 meeting.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the submission of the Comprehensive 5-Year Local Plan Modification for the period July 1, 2007 through June 30, 2010 to the Michigan Department of Energy, Labor & Economic Growth.

BE IT FURTHER RESOLVED that the Chair is authorized to sign said plan modification for submission to the Michigan Department of Energy, Labor & Economic Growth.

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MOVED:
SECONDED:
CARRIED:

RESOLUTION

NO.: 2009-07-215

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION APPROVING AN AMENDMENT TO THE CONTRACT BETWEEN THE OAKLAND LIVINGSTON HUMAN SERVICES AGENCY AND LIVINGSTON COUNTY MICHIGAN WORKS! FOR THE MICHIGAN PRISONER RE-ENTRY INITIATIVE - Michigan Works! / Health & Human Services Committee / Finance

WHEREAS, The Michigan Prisoner Re-Entry Initiative is a statewide strategic approach to parolee services which seeks to deliver a seamless plan of services, support and supervision from the time a prisoner enters prison through their return to the community; and

WHEREAS, The Michigan Department of Corrections contracts with the Oakland Livingston Human Services Agency (OLHSA) to administer MPRI services in Oakland and Livingston Counties.

WHEREAS, In accordance with MDOC policies, OLSHA issued a Request for Proposals for a variety of re-entry services to parolees; and

WHEREAS, Livingston County Michigan Works! responded to the RFP and was awarded a \$22,000 contract to deliver workforce development and adult education services for the period October 1, 2008 to September 30, 2009 to MPRI parolees in Livingston County, and;

WHEREAS, These services will be delivered by two services providers under contract with Livingston County Michigan Works!, Ross IES and Community Mental Health Services of Livingston County; and

WHEREAS, OLHSA proposes to amend the agreement by increasing the contract amount by \$5,000 to \$27,000; and

WHEREAS, The Livingston County Workforce Development Council approved this amendment at their May 21, 2009 meeting.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners approves the amendment to a contract with Oakland Livingston Human Services Agency for the period October 1, 2009 to September 30, 2010, increasing the contract award by \$5,000 to a total award of \$27,000 for the delivery of workforce development services for the Michigan Prisoner Re-entry initiative.

BE IT FURTHER RESOLVED that the Chair be authorized to sign said contract amendment.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2009-07-216

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION APPROVING THE SUBMISSION OF THE PROGRAM YEAR 2009 WAGNER-PEYSER ACT LOCAL EMPLOYMENT SERVICE PLAN - Michigan Works! / Health & Human Services / Finance

WHEREAS, The federal Wagner-Peyser Act establishes the United States Employment Service (USES) to provide a nationwide labor exchange system and establishes State Employment Security Agencies (SESA's) to administer the system in each state and;

WHEREAS, The Workforce Investment Act of 1998 mandates that Employment Services become part of the "One-Stop" system; and

WHEREAS, The Michigan Department of Energy, Labor & Economic Growth requires the requires the Livingston County Workforce Development Council to develop an Employment Services Plan for the period from July 1, 2009 through June 30, 2010; and

WHEREAS, Livingston County's employment service plan allocation is \$263,562; and

WHEREAS, The Michigan Department of Energy, Labor & Economic Growth is also making additional Wagner-Peyser funds from the American Recovery and Reinvestment Act available by request of local Michigan Works! agencies, and

WHEREAS, Due to current economic conditions, the formula allocation is insufficient to meet current needs and therefore it is necessary to request an additional \$200,000 in ARRA funds,

WHEREAS, Staff will prepare a plan based on the planning allocation and the supplemental request, which will contain input and review by the Employer Services Committee; and

WHEREAS, The Livingston County Workforce Development Council Executive Committee approved the Employment Services plan at their Jun 11, 2009 meeting.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the submission of the PY 2009 Wagner-Peyser Act Employment Services Plan for the period of July 1, 2009 to June 30, 2010 in the amount of \$263,562 to the Michigan Department of Energy, Labor and Economic Growth.

BE IT FURTHER RESOLVED, that the Livingston County Board of Commissioners hereby approves the submission of a supplemental request for \$200,000 in ARRA funds for the Wagner-Peyser Employment Services program.

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

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Moved:
Seconded:
Carried:

RESOLUTION

NO: 2009-07-217

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION TO ESTABLISH A VACANCY REVIEW POLICY TO JUSTIFY THE NEED TO REPLACE VACANT POSITIONS UNDER THE HIRING FREEZE - Human Resources /

Personnel 6/3/09 – Finance 6/15/09 – Full Board 7/6/09

WHEREAS, Livingston County has instituted a number of cost reduction measures in light of the financial forecasts indicating the County would be unable to sustain current levels of services within available resources; and

WHEREAS, with the current and projected economic situation facing Livingston County and the hiring freeze imposed, creative measures need to be identified and reviewed prior to replacing any vacant position; and

WHEREAS, a uniform practice to review requests for replacing positions needs to be established; and

WHEREAS, the Personnel Sub-Committee and Finance Committee has reviewed this matter and have recommended the creation of this Vacancy Review Policy.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the policy regarding Vacancy Review.

BE IT FURTHER RESOLVED that the department head/Elected Official certifies the vacant position as critical, has absorbed all of the costs associated with the prior incumbent's departure (e.g., annual leave payout), and has another identified vacant position that will be left unfilled or the department has made other identified cuts to achieve equivalent salary saving.

BE IT LASTLY RESOLVED that this resolution shall take effect upon adoption and shall remain in effect until rescinded by the Livingston Board of County Commissioners.

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**MOVED:
SECONDED:
CARRIED:**

RESOLUTION

NO: 2009-07-218

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION AUTHORIZING AN INCREASE IN THE DEPARTMENTAL FINANCIAL ANALYST POSITION FROM 1 DAY PER WEEK TO 3 DAYS PER WEEK - Administration / Personnel Committee / Finance

WHEREAS, the Information Technology Department is experiencing unprecedented growth both within the County departments and from outside customers, and;

WHEREAS, the need to cost out services is greater than it has ever been due to more entities utilizing our technology infrastructure and the continued development of the fiber-optic network opens up possibilities for continued growth, and;

WHEREAS, maintaining integrity of the charges that are being disseminated to the internal users has become a more complex process than it has been in the past as all hardware and software is now being purchased through IT and charged back on a prepaid basis, and;

WHEREAS, the IT departmental projects require a great deal of financial detail during the exploration stage to make sure when a project is implemented we do not experience cost over runs, and;

WHEREAS, funding for this position is already held within the IT fund (636) departmental personnel line items and overall this would create a decrease in the general fund expenditures.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes the increase in the current financial analyst position from one (1) day per week to three (3) days per week utilizing funds that are already in the IT fund (636) departmental budget with an effective date of June 29, 2009. Allocation of the Financial Analyst time will be as follows: three days in IT, one day in LETS and one day in Equalization.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2009-07-219

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION TO APPROVE THE THIRD AMENDMENT TO THE LIVINGSTON COUNTY RETIREE HEALTH CARE PLAN - Benefits / Personnel Committee / Finance

The County of Livingston shall adopt the following resolution in accordance with the authority of the Public Employee Health Care Fund Investment Act Public Act 149 of 1999, as amended:

**COUNTY OF LIVINGSTON
RETIREE HEALTH CARE PLAN**

GENERAL PROVISIONS

1:100. Purpose.

The purpose of the Plan is to provide health insurance benefits or such other benefits approved by the County Board of Commissioners (which include hospitalization, medical and dental) or approved by Collective Bargaining Agreements for the welfare of the Retirees who are eligible to receive a retirement benefit from the County of Livingston and the Spouses of such Retirees. Health care benefits under the Plan are provided for by the County pursuant to a health insurance plan(s) administered by a third party administrator as designated by the County Board of Commissioners and/or a self-funded health insurance plan. The County Board of Commissioners reserves the right to enter into substitute contracts with commercial insurance carriers or with health maintenance organizations or preferred provider organizations in order to provide benefits under the Plan.

The Plan is created under the authority of the Public Employee Health Care Fund Investment Act, Public Act 149 of 1999, for the exclusive purpose of accumulating and investing funds to provide benefits through policies issued by duly licensed commercial insurance companies, through a fund of self-insurance, or through any other lawful means of providing group health insurance as determined by County Board of Commissioners decisions and in accordance with any and all applicable Collective Bargaining Agreements between the County and applicable Collective Bargaining Associations for collectively bargained employees and Personnel Policies for the non-union employees, for the benefit of the County of Livingston Retirees and beneficiaries who are eligible to participate in accordance with the Plan. The County intends the benefits to be provided by the establishment and maintenance of a Fund in conformance with all applicable federal statutes and regulations, state and local law.

The County reserves the right to enter into insurance agreements, and to modify, alter or amend such agreements from time to time, with commercial insurance carriers, health maintenance organizations, preferred provider organizations or any other qualified entity currently existing or created for the purpose of providing benefits under the Plan.

1:101. Short Title.

This Plan may be known and cited as the County of Livingston Retiree Health Care Plan ("Plan").

1:102. Interpretation and law; Construction.

The Plan is established in accordance with the Public Employee Health Care Fund Investment Act, Public Act 149 of 1999, as may be amended, and shall be administered consistent with applicable federal and Michigan law. If any provisions of the Plan shall be, for any reason, invalid or unenforceable, the remaining provisions nevertheless shall be carried into effect.

Neither the establishment of the Plan nor any modification thereof, nor the creation of any fund or account, nor the payment of any benefits, shall be construed as giving to any person covered under the Plan or other person any legal or equitable right against the County, its elected or appointed officials or employees, the Trustees or any individual Trustee, nor any title or interest in any assets of the County, its elected or appointed officials or employees, or any Trustee except as may otherwise be provided in this Plan.

Neither the County nor the Trustees shall be responsible for the validity of any Insurance Agreement issued in connection with the Plan or for the failure on the part of the Insurer to make payments provided by such Insurance Agreement, or for the action of any person which may delay payment or render an Insurance Agreement null and void or unenforceable in whole or in part.

1:103. Collective Bargaining Agreements.

The benefit provisions of this Plan are subject to relevant provisions of applicable Collective Bargaining Agreements between the County and the various uniformed and non-uniformed Collective Bargaining Associations of the County. The provisions of a Collective Bargaining Agreement relative to retiree health care benefits are controlling in the event of a conflict between the terms of the Collective Bargaining Agreement and the Plan.

Nothing contained in this Chapter shall be deemed to modify or limit in any way the rights that the parties to the Collective Bargaining Agreement may have, any supplements or memoranda thereto, or any arbitrator's award to enforce the terms of the Plan, inclusive of the collection of any amounts due to the Fund and the right of the parties to sue for same.

1:104. Personnel Policies.

The benefit provisions of this Plan are subject to relevant provisions of the County of Livingston Personnel Policies for Non-Union Employees and, if applicable, elected officials and judges of the County. The provisions of the Personnel Policies for Non-Union Employees relative to retiree health care benefits are controlling in the event of a conflict between the terms of the Personnel Policies and the Plan.

1:105. Definitions.

For the purposes of this chapter, the following words shall have the meanings respectively ascribed to them by this section;

- (1) *Base Plan* means the same health care benefits as provided to active employees at the time of coverage. Accordingly, a change in health care benefits for active employees

means a change in the Base Plan benefits to Retirees. Upon the retiree or spouse's attainment of Medicare eligibility, the Base Plan shall be a Medicare supplemental plan.

- (2) *County* means the County of Livingston.
- (3) *Code* means the Internal Revenue Code of 1986, as amended. Reference to any section or subsection of the Code includes reference to any comparable or succeeding provision of any legislation which amends or replaces such section or subsection.
- (4) *Collective Bargaining Agreements* means any written agreement, supplemental agreement, memorandum of understanding, final arbitrator's decision, judicial decision or decision of any public board or agency, by and between applicable Collective Bargaining Associations and the County, and any amendments, continuations, or renewals, which require the County or any other entity to make payments into group health and life insurance programs for employees of the County of Livingston.
- (5) *Collective Bargaining Associations* means those associations which have negotiated to participate in this Plan.
- (6) *Contributions* means the payment required to be made to the Fund by the County under the terms of the Plan for the purpose of providing group health insurance for Retirees and beneficiaries covered by the Plan.
- (7) *Effective Date* means the date of the adoption of this Plan by resolution of the County Board of Commissioners.
- (8) *Employee* means any of the following:
 - (a) A non-union person employed by the County on or before March 17, 2003;
 - (b) A person who is an elected official or judge of the County elected or appointed on or before March 17, 2003; or
 - (c) A person employed by the County who is a member of a Collective Bargaining Association which has negotiated to participate in this Plan.
- (9) *Fund* means the Declaration of Fund of the County of Livingston Retiree Health Care Plan as provided for in of this Plan.
- (10) *Health Care Benefits* means group health care benefits as currently provided and any other future health care related benefits as may be determined to be part of the Plan pursuant to County Board of Commissioners decisions and/or Collective Bargaining Agreements.
- (11) *Insurance Agreement* means the health insurance plan(s) and any amendment(s) thereto, including any substitute insurance agreement with a commercial insurance carrier, health maintenance organization, preferred provider organization, or any other qualified entity currently existing or created for the purpose of providing benefits under the Plan. The term "Insurance Agreement" shall include the plural where applicable.
- (12) *Insurance Carrier* means a commercial health insurance carrier, health maintenance organization, preferred provider organization or other qualified entity designated by the

County Board of Commissioners to provide benefits under the Plan.

- (13) *Major Life Event Changes* means legal separation, divorce, or death.
- (14) *Participant* means an Employee who: (a) is a member of a retirement plan of the County and whose participation has not terminated under other applicable provisions of the Plan; or (b) is an employee granted health coverage under a separation agreement, settlement or court order. No person shall be considered a Participant of the Plan who is compensated for services to the County on a fee or independent contractual basis. In all cases of doubt, the Plan Administrator shall decide who is a Participant within the meaning of the provisions of this Plan provided such decision is consistent with any applicable Collective Bargaining Agreements or established County policy.
- (15) *Personnel Policies* means those personnel policies as adopted by the Board of Commissioners and as contained in the employee manual or other appropriate written document.
- (16) *Plan* means the Retiree Health Care Plan of the County as described in this document and any subsequent amendments, and any Insurance Agreement(s), Collective Bargaining Agreements, the Personnel Policies adopted by the County Board of Commissioners for Non-Union Employees or other applicable insurance policy documents incorporated by reference into the Plan. A description of the health benefits provided to Retirees and Spouses under this plan is maintained by the Plan Administrator.
- (17) *Plan Administrator* means the County Personnel Director or such person, persons, firm, corporation or insurance company or companies, appointed by the County Board of Commissioners to administer the Plan. The Plan Administrator shall be responsible for the day to day operations of the Plan who shall carry out the directives of the County Board of Commissioners.
- (18) *Plan Year* means the period commencing on January 1 and ending on December 31 of each year.
- (19) *Retiree* means (a) an individual receiving 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, or (b) according to the terms of the applicable Collective Bargaining Agreement, an individual receiving workers compensation who but for the workers compensation payments would otherwise be receiving a retirement benefit allowance from a Retirement Plan of the County of Livingston, or (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.
- (20) *Retirement Plan* means those retirement systems (collectively and individually) provided by the County of Livingston for its employees and shall include any retirement program adopted by the County of Livingston administered by the Michigan Municipal

Employees Retirement System as provided by Act 135, the Public Acts of 1945, as amended.

- (21) *Spouse* means a Participant's or Retiree's spouse by legal marriage at the time of retirement.
- (22) *Trustee(s) or Board* means the Board of Trustees of the Retiree Health Care Plan or a member of the Board of Trustees as provided for in this Plan.

1:105. Notice.

Notice given to all interested parties shall, unless otherwise specified in this Plan, be sufficient if in writing and delivered or sent by prepaid first class mail. Except as otherwise noted, the distribution or delivery of any statements or documents required under the Plan shall be sufficient if delivered in person or prepaid first class mail.

1:106. Reporting and Disclosure.

The County and the Trustees, or their respective designees, shall complete and provide to Participants, Retirees and/or Spouses and to the appropriate government agencies any reports as may be required by the Code, applicable federal, state or local law.

1:107. Amendments.

The provisions of the Plan may be amended at anytime by resolution adopted by the County Board of Commissioners in accordance with applicable law. Amendments to date include, but are not limited to, Resolution 2008-10-309, which amended Resolution 603-180, and Resolution 2008-10-316.

HEALTH CARE PLAN

1:200. Eligibility

In order to be eligible for post-retirement health care benefits during any Plan Year, an individual must:

- (1) meet all of the following:
 - (a) have been a Participant of this Plan; and
 - (b) have been a permanent Employee working a minimum of 30 hours a week with the County; and
 - (c) have been a permanent Employee on the date preceding the effective date of the Retiree's retirement and commencement of pension benefits from the County; and
 - (d) be a Retiree of the County with 10 or more years of actual service with the County; and

- (e) the Employee has not elected, in writing, to opt out of this Plan and to participate in another plan offered by the County; or
- (2) be a Retiree, who was a Participant of the Plan, receiving duty or non-duty disability benefits from a Retirement Plan of the County; or
- (3) be a Spouse of an individual who meets the eligibility requirements in subsection (1) or (2) above; or
- (4) be the surviving Spouse of a former Participant, who on the date preceding the individual's date of death, was an Employee; provided, the surviving Spouse is eligible for duty death and/or non-duty death benefits payable from a Retirement Plan; or
- (5) be an individual granted health coverage under a settlement agreement between the County and the individual; or
- (6) be an individual granted health coverage under a court order, provided
 - (a) that the individual produces satisfactory documentation at the time of application for benefits, and
 - (b) that the County reserves the right to challenge the validity of the court order and that if such a challenge proves successful that the cost of any benefits provided be reimbursable to the Fund; or
- (7) be a Retiree or Retiree's Spouse who was in receipt of benefits at the time of the Effective Date of this Plan (grandfather provision).

1:201. Commencement of Benefit.

Subject to all applicable provisions of the Plan and/or Insurance Agreement, a Participant shall commence eligibility for benefits from the Plan on the first day he or she satisfies the eligibility requirements of 1:200, provided the Participant has enrolled for coverage on such date.

1:202. Enrollment.

- (1) The County shall give each Participant timely written notice of his or her eligibility and his or her right to enroll for coverage under the Plan. An eligible Participant or Retiree shall have one opportunity to enroll for coverage at any time on or after their date of retirement. In connection with his or her enrollment for coverage, the Participant or Retiree shall furnish all pertinent information requested by the County, Plan Administrator and/or the Insurance Carrier, and the Plan Administrator or the Insurance Carrier may rely upon all such forms and information furnished.
- (2) Spouses shall be eligible for coverage as provided in the Plan and/or Insurance agreement and in **1:200 above**. Spouses shall be enrolled for coverage under the

Plan by the Participant or Retiree at the time the Participant or Retiree enrolls for coverage under the Plan or as provided for in subsection 3.

- (3) Participants or Retirees must report Major Life Event Changes to the County within thirty (30) days of the event in order to delete persons from their benefit plans (health insurance). Major Life Event Changes may impact eligibility for benefits. If the failure to report the event within thirty (30) days results in additional benefit costs by the Plan due to non termination of benefits, the Participant or Retiree may be held responsible for such costs.
- (4) Once enrolled, a Participant or Retiree's decision to withdraw from participation in this Plan shall be treated as final and irrevocable and that Participant or Retiree shall not be allowed to re-enroll in the Plan unless the Participant or Retiree withdrew from participation or terminated coverage under the Plan due to the provisions of Section 1:203(6).

1:203. Termination of Benefits.

Except as provided in 1:204, participation in the Plan shall terminate in accordance with the Plan and/or Insurance Agreement or applicable Collective Bargaining Agreement, on the earliest of:

- (1) termination of the Plan;
- (2) non-payment of any required Participant or Retiree contributions;
- (3) death of the individual receiving benefits under the Plan;
- (4) a Participant's or Retiree's election in writing to cease coverage under the Plan or to opt out and elect coverage under another County provided plan;
- (5) in the case of a Spouse, the date the Spouse ceases to be a Spouse as defined in this Plan;
- (6) in the case of a Retiree and/or a surviving Spouse, if that individual either (a) assumes employment elsewhere; (b) has a Spouse who is eligible for employer provided health care coverage; or (c) or has health care coverage available from a prior employer and, that employer in any of the examples above provides health coverage to its employees. In the event the individual should lose such coverage from the other employer for any reason, including voluntary or involuntary separation of employment, upon production of proof of such loss to the County and satisfaction of eligibility elsewhere under the Plan, the County's obligation to provide health coverage under the Plan shall recommence immediately upon the satisfactory production of such proof-of-loss.

1:204. COBRA Continuation Coverage.

Notwithstanding the provisions of 1:203, continuing coverage shall be provided under the

Plan to eligible Participants, Retirees and their Spouses in accordance with Internal Revenue Code provisions (currently Section 4980B, and Title XXII of the Public Health Services Act ("COBRA continuation coverage"), as amended).

1:205. Health Care Benefits, General.

Beginning on the Effective Date, the County shall provide Health Care Benefits to each eligible Retiree and, if elected, to his or her Spouse, unless modified by an applicable Collective Bargaining Agreement or resolution of County Board of Commissioners. The benefits provided under the Plan are those set forth in the Plan and/or Insurance Agreement, Collective Bargaining Agreements, Personnel Policies and/or resolutions of County Board of Commissioners. The Insurance Agreement(s), Collective Bargaining Agreements, and Personnel Policies are incorporated herein by this reference. A complete description of benefits provided under the Plan and the Insurance Agreement, inclusive of those set forth in the Collective Bargaining Agreements and Personnel Policies, shall be maintained by the County or the Plan Administrator.

In accordance with the Plan and/or Insurance Agreement with the Insurance Carrier, Retirees and their Spouses will be entitled to the benefits in effect for active employees at the time of coverage, or, ("Base Plan"). These benefits may be provided under the same policy or program in place at the Retiree's retirement or under a different policy or program at the discretion of the County.

1:206. Health Care Benefits, Costs.

The Retiree Health Care Fund will pay the monthly premiums for Base Plan benefits for eligible Participants subject to the following:

- (1) Benefit Group Elected Officials and non-union employees - Effective August 1, 1995, all retirees shall be responsible for the following percentages of the health insurance costs:

Employee Seniority at Retirement (MERS Documented)*	Retiree Share of Cost
10 years but less than 15 years	75%
15 years but less than 20 years	65%
20 years but less than 25 years	50%
25 years but less than 30 years	35%
30 years or more	25%

* In those instances where both a husband and wife retire as non-union employees (each with ten or more years of credited MERS service), the cost sharing will be computed by adding the seniority time of the individual with the longer seniority to one-half the seniority time of the other party.

Per Resolution 2008-10-316, 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 the Voluntary Separation Retirement Incentive Program for the one (1) full year beginning as of the date following the last day of employment.

(2) Benefit Group Sheriffs, Police Officers Association of Michigan - the cost of retiree medical benefits is paid 100% by the County, unless modified by the applicable Collective Bargaining Agreement.

(3) Benefit Group Sergeants, Michigan Association of Police - the cost for retiree medical benefits is paid 100% by the County, unless modified by the applicable Collective Bargaining Agreement.

(4) Benefit Group Lieutenants, Michigan Association of Police - the cost for retiree medical benefits is paid 100% by the County, unless modified by the applicable Collective Bargaining Agreement.

Service or Employee Seniority for purposes of this Section must be actual service rendered with the County. Purchased service or other service recognized for retirement under the Reciprocal Retirement Act (P.A. 88 of 1961, as amended (MCL 38.1102 et. seq.)) shall not be included.

1:207. Prescription Drug Coverage.

(1) Current non-union retirees, and their spouses shall not receive prescription drug coverage under this plan after the current non-union retiree has reached the age of 65.

(2) After age 65 current non-union retirees shall be eligible to receive an annual cash payment. The annual cash payment is a partial reimbursement of the cost of Medicare Part B which Retirees and/or Spouses are required to enroll and are obligated to pay for all applicable costs pursuant to Section 1:210 below. The amount of the annual payment shall be determined by the amount of service credit earned by the non-union employee at the time of retirement and shall be a percentage of five hundred (\$500.00) dollars for single coverage and one thousand (\$1,000.00) dollars for two-person coverage as shown in the following table.

Employee seniority at retirement (MERS documented)	Retiree's share of benefit
10 years but less than 15 years	25%
15 years but less than 20 years	35%

20 years but less than 25 years	50%
25 years but less than 30 years	65%
30 years or more	75%

1:208. Alternative Policies or Programs.

The County, in its discretion, in addition to the Base Plan, may offer alternative policies or benefit structures to Participants, Retirees and Spouses. In the event that the County chooses to offer alternative policies or benefit structures, Participants or Retirees and their Spouses may transfer from one policy or benefit structure to another policy or benefit structure during open enrollment periods. However, any additional cost above the Base Plan shall be borne by the Participant or Retiree or the Participant's or Retiree's Spouse.

1:209. Duplicate Coverage Disallowed

Duplicate coverage will not be provided in the event that there are two or more Participants and/or Retirees who (a) are each independently eligible for health care benefits from the County or the Plan and (b) are each also eligible for health care benefits from the County or the Plan as a Spouse of a Participant or a Retiree. Said parties shall be eligible to participate in only one policy or program so that one party participates in the one policy or program as the principal insured and the other party(ies) participates in the same policy or program as a Spouse of the Participant or Retiree. The Spouse shall suffer no detriment as a result of the disallowance of duplicate coverage.

1:210. Medicare Eligibility.

Upon attaining the age of Medicare eligibility, all eligible Retirees and/or Spouses shall enroll in both Medicare A and B, and are obligated to pay for all applicable costs. Once a Retiree is in receipt of Medicare A and B coverage, this Plan will provide complimentary coverage as provided pursuant to any applicable Collective Bargaining Agreement, Personnel Policies and/or the coverage in effect for active employees.

1:211. Coordination of Benefits

The County intends that the Plan shall provide each Retiree with payment for health care expenses incurred by the Retiree and, if eligible, his or her Spouse, as provided in the Plan and/or Insurance Agreement. The County does not intend that payment under this Plan shall exceed the amount of the expenses incurred. For this reason, the Plan coordinates benefits with other insurance policies according to industry standards and applicable laws.

(1) Reimbursement.

If an expense is paid under the Plan by the Plan Administrator on behalf of a Retiree and/or his or her Spouse, and such expense subsequently is paid from any other source, in whole or in part, the Retiree and/or his or her Spouse, shall remit to the Plan an amount equal to the duplicated benefits. In addition, the Plan Administrator may reimburse any other Plan, person or entity that has paid an expense on behalf of a Retiree or his or her Spouse which expense was payable under this Plan. In such event, the Plan, Plan Administrator and/or the Insurance Carrier shall be relieved of all further responsibility with respect to that expense.

(2) Subrogation.

In the event any payment is made by the Fund under the Plan, the Plan shall be subrogated and shall succeed to the rights of any Retiree and his or her Spouse against any other plan, person or entity for recovery of health care expenses for which such other plan, person or entity legally is liable. All amounts so recovered, by settlement, judgment or otherwise, shall be paid to the Fund. Retirees and their Spouses shall furnish such information, execute and deliver such assignments, documents or other instruments, and take whatever steps are necessary to secure the rights of the Plan. Retirees and their Spouses shall take no action to prejudice the rights and interests of the Plan hereunder.

(3) Effect of Exclusions.

The provisions of this Section shall not be construed to create any independent right to payment of any benefit under this Plan. Any exclusion or limitation contained in the Plan and/or Insurance Agreement shall supersede any provision of this Section regarding coordination of benefits.

1:212 Plan Administration, County Duties.

- (1) The County shall be responsible for the performance of its duties as employer and Plan sponsor under applicable Internal Revenue Code Sections and for complying with the Code's reporting and disclosure requirements.
- (2) The County may delegate all or any part of its Plan administration responsibilities. Any such delegation shall be done in writing. The County may employ one or more professional, clerical or administrative persons to perform those activities which are required in the proper performance of the Plan.
- (3) The County shall furnish the Plan Administrator and/or Insurance Carrier, while this Plan is in effect, any information as may be required, at intervals and in the form prescribed by the Plan Administrator and/or Insurance Carrier, for the enrollment of Retirees and Spouses for coverage under the Plan and for the processing of terminations or other changes in coverage of Retirees and Spouses

and also shall furnish to the Plan Administrator and/or Insurance Carrier such other information required for the administration of the Plan.

1:213. Plan Administration, Insurance Carrier Duties.

Each Insurance Carrier shall have the responsibility for interpreting and administering their respective Insurance Agreement and for processing and paying benefit claims thereunder, and shall provide the County with such information as the County may deem necessary to permit the timely filing of all reports required by law. The Insurance Carrier also shall provide a description of the benefits provided under their respective Insurance Agreement directly to the Retirees and Spouses or to the County for distribution to Retirees and Spouses.

1:214. Plan Administration, Plan Administrator Duties.

The Plan Administrator shall have the responsibility establishing such Plan documents and accounts as necessary for the proper performance of the Plan, for interpreting and administering the Plan and for processing and paying benefit claims thereunder. The Plan Administrator shall exercise its authority in a nondiscriminatory manner so that all persons similarly situated shall receive substantially the same treatment. The Plan Administrator shall maintain the appropriate records and accounts necessary in the administration of the Plan and shall provide the Trustees with such information necessary to permit the timely filing of all reports required by applicable laws or regulations governing the Fund.

1:215. Health Care Benefits, Claims Procedures.

A claim for benefits under the Plan must be submitted in writing to the Insurance Carrier in accordance with procedures established by the Plan Administrator or the Plan and/or Insurance Carrier as communicated in writing to Retirees and Spouses. The Plan Administrator and/or Insurance Carrier shall provide adequate notice to any Participant or Spouse whose claims for benefits under this Plan have been denied, setting forth the specific reasons for such denial, written in a manner calculated to be understood by the party. The Plan Administrator and/or respective Insurance Carrier has responsibility for the resolution of disputes involving payment of benefits under the portion of the Plan assigned to the Plan Administrator or Insurance Agreement with the Insurance Carrier. The Plan Administrator and/or Insurance Carrier shall afford a reasonable opportunity to any Participant or Spouse whose claim for benefits has been denied for a full and fair review of the decision denying the claim.

1:216. Funding.

For the purpose of creating and maintaining the Plan for the payment of benefits payable as provided in this Plan, the County Board of Commissioners shall appropriate an amount sufficient to maintain the Plan subject to the provisions of Section 1:302.

DECLARATION OF RETIREE HEALTH CARE FUND

1:300. Irrevocable Fund, Established.

The Fund established in this Plan is established in accordance with Public Act 149 of 1999, and shall be irrevocable and shall conform to all applicable sections of the Internal Revenue Code, the Collective Bargaining Agreements, the statement of purpose in this Plan, and all statutes, ordinances, rules, regulations, arbitrators' awards and judicial decisions interpreting the foregoing provisions.

The Fund shall consist of County Contributions, all investments made or held under the Fund, and all income therefrom, both received and accrued, and any other property which may be received or held by reason of this Fund. Funds paid by Retirees and Spouses as a result of premium sharing required pursuant to applicable Collective Bargaining Agreements and/or County policy, shall be paid directly to the County and/or the applicable Insurance Carrier and shall not be paid into the Fund

1:301. Use of Fund Assets.

- (1) No part of the net earnings of the Fund may inure to the benefit of any Participant, Retiree or other beneficiary other than by benefit payment; or for services provided to the Trustees in their administration of the Fund. The Fund assets shall not be used for or diverted for purposes other than to provide the benefits contemplated under the Plan for the exclusive benefit of Retirees and their Spouses except any administrative expenses for which the Fund is liable. A portion of net earnings may be used for payment for reasonable and necessary professional services, costs and expenses related to assisting the Trustees and Fund Administrator in the operation of the Fund.
- (2) All income, profits, recoveries, Contributions, forfeitures, securities and properties of any kind at anytime received or held by the Trustees hereunder, shall become part of the Fund when received, and shall be held for the use and purposes hereof.

1:302. Funding.

- (1) For the purpose of creating and maintaining a fund for the payment of health care benefits payable as provided in this Plan, the County shall be required to pay to the Fund an amount consistent with the actuarial valuations and calculations made by the Actuary for the Fund to result in a pre-funded plan. The County reserves the right to fund these health care benefits on a "pay-as-you-go" basis.
- (2) Subject to the tax provisions of the County ordinances, resolutions and state law, the Trustees may, to the extent matters are not set forth in the Fund, in their discretion decide the manner and means of payments, the procedures to be followed in making the payments, and the forms required to accompany the payments to the Trustees. Upon determination by the Trustees of these matters,

the Trustees shall provide written notice to the County and to the Collective Bargaining Associations and require payments by the County to be made pursuant to the rules and regulations of the Fund.

- (3) Time is of the essence in making and processing all payments to the Fund. The parties recognize that the regular and timely payments of Contributions are essential to the operation of the Fund and the providing of benefits under various insurance programs.

1:303. Board of Trustees.

- (1) The Board of Trustees shall serve as the Investment Fiduciary of the Fund and shall consist of four (4) trustees, as follows:
 - (a) The County Administrator of the County of Livingston or his/her designee.
 - (b) The County Treasurer of the County of Livingston or his/her designee.
 - (c) The County Financial Officer of the County of Livingston or his/her designee.
 - (d) One (1) representative of the Board of Commissioners as selected from amongst their members.
- (2) The general administration, management and responsibility for the proper operation of the Fund and for making effective and construing the provisions of the Fund shall be vested in the Board of Trustees established by this Section, consistent with applicable state and federal laws and regulations. A Trustee or other fiduciary under the Fund shall discharge his or her duties with respect to the Fund solely in the interest of the Participants and Spouses for the exclusive purpose of providing benefits to Participants and Spouses and paying reasonable expenses of administering the Fund. A Trustee shall discharge his or her duties with the care, skill, and caution under the circumstances then prevailing which a prudent person, acting in a like capacity and familiar with those matters, would use in the conduct of an activity of like character and purpose.

1:304. Trustees' Terms of Office.

- (1) The regular terms of office of the Trustees shall be as follows:
 - (a) The term of the County Administrator or his/her designee shall be identical to the County Administrator's term of office.
 - (b) The term of the County Treasurer shall be identical to his/her term of office.

- (c) The term of the County Financial Officer shall be identical to his/her term of office.
 - (d) The representative of the County Board of Commissioners shall serve at the pleasure of the County Board of Commissioners.
- (2) Each Trustee shall serve until the expiration of his or her term of office or until his or her death, incapacity, resignation or removal.
 - (3) A vacancy or vacancies in the office of the Trustees shall not impair the powers of the remaining Trustees to administer the affairs of the Fund, provided there are sufficient Trustees to constitute a quorum,

1:305. Officers and Administration.

- (1) At its meeting in February of each year, the Trustees shall select a chairperson, a vice-chairperson and a secretary from the group of the then existing Trustees and the chairperson, vice-chairperson and secretary shall serve a term of one year or until a new chairperson, vice-chairperson and secretary is elected.
- (2) Consistent with applicable state and federal laws and regulations, the Trustees shall have the power to promulgate rules and regulations for the day-to-day management of the Fund, the investment of monies held by the Fund, to determine all questions regarding the interpretation of the Fund, and such other Fund related subjects as shall be deemed necessary and proper by the Trustees. If any rule or regulation of the Fund or part thereof is found to be in conflict with any Collective Bargaining Agreement, law, statute, judicial decision, arbitration decision or any other competent body or tribunal, such rule or regulation or part thereof shall be deemed voided and, all other rules and regulations of the Fund shall remain in full force and effect.
- (3) Whenever the signature of a Trustee is required on any document, signature of the chairperson or acting chairperson and secretary or acting secretary shall be required.
- (4) In the event of any suit brought against the Trustees arising out of the acts within the scope and powers and duties of the Trustees, or in the event of any lawsuit brought by the Trustees as authorized by this Plan, the cost of defense or prosecution of such lawsuit shall be charged to the Fund, and shall be paid directly from the Fund, provided such costs are not incurred by reason of bad faith, gross negligence, or breach of a fiduciary obligation to the Fund or to the beneficiaries thereof.
- (5) The Board of Trustees may employ such clerical personnel or administrative personnel to perform whatever administrative activities are required in the proper performance of the Fund. In addition thereto, the Trustees may, if they desire, contract with an administrator to perform such clerical and administrative duties as they may in their sole discretion, determine is reasonably and prudently

necessary to carry out the Fund's activities and purposes. Under no circumstances shall said administrator have control or authority with respect to the management of the Fund or its assets. The said administrator shall not be clothed with any type of authority or power which will constitute the administrator as a fiduciary. Said administrator will not have the power or authority to act as an investment counselor or manager and will not be authorized to furnish investment advice.

- (6) The Board of Trustees may utilize County staff for such functions as personnel administration, accounting, banking and purchasing and will comply with all established County control procedures and policies related to these services. The Board will annually reimburse the County for actual costs of these services as determined by a method jointly agreed upon by the Board and the County Board of Commissioners.
- (7) County employees, upon the request of the Board of Trustees, may also be assigned to the Fund for the proper operation of the Fund. Said employees shall be subject to the supervision of the Board. The Board shall have the authority to establish job descriptions and promulgate rules and regulations appropriate for the Fund in addition to those adopted by County Board of Commissioners. The Board will annually reimburse the County for the actual costs of these employees as determined by a method jointly agreed upon by the Board and the County Board of Commissioners.
- (8) The Trustees may employ (an) investment manager(s) to manage the assets of the Fund. Such investment manager(s) must be registered under the Investment Advisor's Act of 1940, as amended, and must meet any applicable state and federal requirements to act as an investment manager. The Trustees may, if they deem proper in their discretion, or if the circumstances require it, appoint such investment manager, managers, banks or insurance companies as fiduciaries and enter into an agreement with such institutions, naming it a fiduciary and conveying to such fiduciary all or a portion of the assets of the Fund, so that said fiduciary may handle, manage and hold those assets conveyed to it. All assets conveyed to said fiduciary shall be subject to the provision of the agreement or agreements between the Trustees and the fiduciary.
- (9) The Trustees may employ legal counsel with whom they may seek advice, consult, require attendance at meetings and to otherwise represent the Trustees in matters relating to the Plan and Fund.
- (10) The Trustees may authorize the purchase of insurance for the Fund and for the Trustees to cover liability or losses occurring for any reason, including but not limited to, an act or omission (errors or omissions) of a fiduciary, including the Trustees; provided however, that such insurance policy permits recourse by the insured against the fiduciary, including the Trustee or Trustees involved, in case of breach of fiduciary obligation by the fiduciary.

- (11) The Trustees shall appoint an Actuary who shall advise the Trustees on the actuarial operation of the Plan and Fund. The Trustees shall, from time to time, adopt such mortality and other tables of experience and a rate or rates of regular interest as are necessary in the operation of the Fund on an actuarial basis.

1:306. Board Meetings.

- (1) The Trustees shall meet at least once quarterly. The Trustees shall determine the time for the regular meetings of the Trustees and the place or places where such meetings shall be held. The secretary of the Trustees or his or her designee, shall be responsible for giving notice of the time and place of such meetings to the other Trustees.
- (2) Notice and conduct of all meetings of the Trustees, both regular and special, shall be given in accordance with applicable law including the Michigan Open Meetings Act.
- (3) The Board shall adopt its own rules of procedure and shall keep a record of its proceedings. Three (3) Trustees shall constitute a Quorum at any meeting of the Board. Each Trustee shall be entitled to one vote on each question before the Board and at least three (3) concurring votes shall be necessary for a decision of the Board.

1:307. Compensation.

All Trustees shall serve without compensation as members of the Board. Trustees may also be reimbursed by the Fund for reasonable and necessary costs and expenses of the Trustees in performing their duties as Trustees and related to the operation of the Plan.

1:308. Trustees' Powers and Responsibilities.

The Trustees shall hold all powers that are necessary to carry out the purposes of the Fund and that are generally available to Trustees under the laws of the State of Michigan, except as limited by the Fund and by federal law and regulations. The Trustees shall take no action nor make any determination inconsistent with any qualification or ruling of the Internal Revenue Service, an arbitrator or the courts with respect to the Fund. In the case of amendments to the Internal Revenue Code or changes to regulations of the Internal Revenue Service or the Labor Department, the Trustees are empowered to take all necessary action authorized by this Plan, federal and state law and regulations. In carrying out the purposes of the Fund, the Trustees shall have the following powers and duties:

- (1) The Trustees shall, in order to effectuate the purposes of the Fund, be bound by the terms of the Plan and any applicable Collective Bargaining Agreements between the County Board of Commissioners and the Collective Bargaining Associations, or applicable Personnel Policies adopted by County Board of Commissioners for non-union employment groups.

- (2) The Trustees shall establish a uniform system for the timely transmission of required reports and contributions from the County on behalf of the Participants and/or Spouses to the Fund.
- (3) The Trustees shall maintain, or cause to be maintained, proper books of accounts and records of and for the administration of the Fund, including the minutes of all meetings, make them available for inspection at the permanent office of the Fund during reasonable business hours by the County, by any Collective Bargaining Association, or any Participant or Spouse covered by the Plan and Fund.
- (4) The Trustees shall be authorized to retain such professional, clerical, or administrative personnel as necessary to maintain the proper performance of the Fund.
- (5) The Trustees shall be authorized, pursuant to Public Act 149 of 1999, as amended, to invest the assets of the Fund in accordance with the provisions of Public Act 314 of 1965, as amended and in accordance with the Investment Policy as established by the Investment Fiduciary.

1:309. Fund Liabilities.

- (1) Neither the County, nor any Participant or Spouse or Trustee shall be liable for any debts, liabilities or obligations of the Fund except as provided for in this Plan. Neither the County nor any Participant and/or Spouse shall have any right to the return of any money properly paid into the Fund, except as otherwise specifically provided in this Plan, or to money improperly paid which has already been invested or distributed. Any contribution improperly paid into the Fund by the County or on behalf of a Participant or Spouse shall be returned by the Trustees upon the request of the County, the Participant or the Spouse or upon discovery by the Trustees that such monies have been improperly paid into the Fund, unless those monies have already been invested or distributed.
- (2) No part of the Fund or any benefits payable by the Trustees shall be subject to alienation, sale, transfer, assignment, pledge or encumbrance charge by any person. No Participant or Spouse shall be entitled to receive any part of the Contributions made by the County or payments required to be made by the Fund, in lieu of such benefits provided under the Plan as determined by the Trustees in accordance with the Fund.

1:310. Termination of the Fund.

- (1) Subject to the limitations of this Plan, the parties hereby contemplate that new employment benefit decisions may be made by the County Board of Commissioners and/or new Collective Bargaining Agreements may be entered into which continue or modify the provisions of the Fund. The Fund shall continue during such period or time as may be necessary to carry out the provisions of any Plan or Collective Bargaining Agreement and the fact that such

Collective Bargaining Agreements or employment benefit decisions are not extended shall not by itself terminate the Fund, which shall continue for a period of time sufficient to wind up the affairs of the Fund.

- (2) Provided there are no longer any Retirees or Spouses eligible for benefits from the Fund, the Fund may be terminated at any time by the Trustees so long as the termination is not inconsistent with any then existing ordinance, resolution or Collective Bargaining Agreement. It shall not be necessary for the County Board of Commissioners or the Collective Bargaining Associations to execute such an agreement for the Fund to terminate.
- (3) If the Fund shall terminate, the Trustees shall forthwith notify any Insurance Carrier or Carriers then providing insurance to Retirees and Spouses in the Fund.
- (4) In the event of the termination of the Fund, the remaining funds available after providing for all the outstanding obligations, shall be used in a manner as will, in the opinion of the Trustees, best effectuate the purposes of the Fund, including, but not limited to, the purchase of insurance benefits.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2009-07-220

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION TO ADOPT THE MICHIGAN MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM HEALTH SAVINGS PROGRAM FOR ADMINISTRATION OF THE COUNTY OF LIVINGSTON RETIREE HEALTH SAVINGS PROGRAM - Livingston County Administration / Personnel Committee / Finance Committee

WHEREAS, Livingston County currently uses ICMA Retirement Corporation's Vantage Care Retirement Health Savings (RHS) Plan to administrator the County of Livingston Retiree Health Savings Program; and

WHEREAS, since the adoption of the ICMA Retirement Corporation's Vantage Care RHS Plan provisions have significantly changed due to Internal Revenue Service rulings specifically the disallowance of non-tax dependents as beneficiaries, making the ICMA Plan more restrictive and less desirable for County participation; and

WHEREAS, due to recent federal legislation Michigan Municipal Employees' Retirement System (MERS), our current pension provider, now offers a retirement health savings plan that allows employees to select beneficiaries of their choice; and

WHEREAS, County Administration, with the assistance of special legal counsel, Michael VanOverbeke of VanOverbeke, Michaud, and Timmony, P.C., recommends adoption of the Michigan Municipal Employees' Retirement System Health Care Savings Program to administer the County of Livingston Retiree Health Savings Program.

THEREFORE BE IT RESOLVED that the Employer hereby adopts the Michigan Municipal Employees' Retirement System Health Care Savings Program as the administrator of the County of Livingston Retiree Health Savings Program.

BE IT FURTHER RESOLVED that funds currently held in the ICMA Retirement Corporation's Vantage Care Retirement Health Savings (RHS) Plan shall be transferred as soon as practicable to the Michigan Municipal Employees' Retirement System Health Care Savings Program.

BE IT FURTHER RESOLVED that the Chair of the Livingston County Board of Commissioners is authorized to sign all the necessary documents, reviewed by special legal counsel VanOverbeke, Michaud & Timmony, P.C., to effectuate the adoption of the Michigan Municipal Employees' Retirement System Health Care Savings Program as the administrator of the County of Livingston Retiree Health Savings Program, including but not limited to the Michigan Municipal Employees' Retirement System Health Care Savings Program Uniform Resolution.

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**MOVED:
SECONDED:
CARRIED:**

RESOLUTION

NO: 2009-07-221

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION TO CEASE PARTICIPATION IN THE ICMA RETIREMENT CORPORATION'S VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS) PLAN (Plan No. 800766) - Administration / Personnel Committee / Finance Committee

WHEREAS, Resolution No 504-173 adopted the ICMA Retirement Corporation's Vantage Care Retirement Health Savings (RHS) Plan (Plan No. 800766); and

WHEREAS, since the adoption of the ICMA Retirement Corporation's Vantage Care RHS Plan provisions have significantly changed due to Internal Revenue Service rulings specifically the disallowance of non-tax dependents as beneficiaries; and

WHEREAS, said Plan provision changes make the Plan more restrictive and less desirable for County participation; and

WHEREAS, due to recent federal legislation Michigan Municipal Employees' Retirement System (MERS), our current pension provider, now offers a retirement health savings plan that allows employees to select beneficiaries of their choice; and

WHEREAS, County Administration, with the assistance of special legal counsel, Michael VanOverbeke of VanOverbeke, Michaud, and Timmony, P.C., recommends ceasing participation with the ICMA Retirement Corporation's VantageCare RHS Plan.

THEREFORE BE IT RESOLVED that the Employer hereby ceases participation in the ICMA Retirement Corporation's VantageCare Retirement Health Savings Plan.

BE IT FURTHER RESOLVED that the Chair of the Livingston County Board of Commissioners is authorized to sign all the necessary documents, reviewed by special legal counsel VanOverbeke, Michaud & Timmony, P.C., to effectuate cessation of participation in the ICMA Retirement Corporation's VantageCare Retirement Health Savings Plan.

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MOVED:
SECONDED:
CARRIED:

RESOLUTION

NO: 2009-07-222

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION TO ADOPT THE MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN HYBRID RETIREMENT PLAN - Administration / Finance

WHEREAS, Livingston County currently provides its non-union employees with a Defined Benefit pension plan through the Municipal Employees' Retirement System of Michigan (MERS); and

WHEREAS, Livingston County is responsible for funding the defined benefit pension plan and currently does not require employees to contribute to the plan; and

WHEREAS, in Resolution 2009-05-156 authorizing the Annual Budget Process and Calendar for 2010, the Board of Commissioners directed that benefit costs were to be frozen at 2009 levels; and

WHEREAS, as a result of the current recession and poor market performance, MERS has increased their funding level requirements, therefore Livingston County will need to increase its funding level for the Defined Benefit pension plan; and

WHEREAS, MERS recently developed a Hybrid Plan which combines a fixed defined benefit with a flexible defined contribution component; and

WHEREAS, the Hybrid Plan offers a shorter vesting period of six years and an enhanced Final Average Compensation calculation of FAC-3, making this plan very attractive to current employees with less than ten years of service, as well as future employees; and

WHEREAS, the Hybrid plan is less expensive than the current pension plan because it has a reduced multiplier for its Defined Benefit component combined with a flexible percentage contribution on the Defined Contribution component; and

WHEREAS, the Livingston County Personnel Committee has reviewed this recommendation and recommends that the Board of Commissioners adopt the MERS Hybrid Pension plan for all new employees as well as offering it as a one-time, irrevocable option to all current non-union employees.

THEREFORE BE IT RESOLVED that the Employer hereby adopts the Municipal Employees' Retirement System of Michigan Hybrid Retirement Plan with a defined benefit multiplier of 1.25%. The defined contribution component shall be funded in the following manner:

Each Participant is required to contribute 1% of Earnings for the Plan Year as a condition of participation in the Plan.

If a Participant contributes 2% of Earnings for the Plan Year, the Employer shall contribute 2% of Earnings for the Plan Year on behalf of that Participant (subject to the limitations of sections 415(c) and (e) of the Internal Revenue Code).

If a Participant contributes 3% of Earnings for the Plan Year, the Employer shall contribute 3% of Earnings for the Plan Year on behalf of that Participant (subject to the limitations of sections 415(c) and (e) of the Internal Revenue Code).

BE IT FURTHER RESOLVED that the Chair of the Livingston County Board of Commissioners is authorized to sign all the necessary documents, reviewed by special legal counsel VanOverbeke, Michaud & Timmony, P.C., to effectuate the adoption of the Municipal Employees' Retirement System of Michigan Hybrid Retirement Plan, including but not limited to the MERS Uniform Hybrid Program (Benefit Program H) Resolution.

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MOVED:
SECONDED:
CARRIED:

RESOLUTION

NO: 2009-07-223

LIVINGSTON COUNTY

DATE: July 6, 2009

RESOLUTION AUTHORIZING ISSUANCE OF A PURCHASE ORDER TO AMCOMM TELECOMMUNICATIONS, INC. FOR FIBER INSTALL FROM HOWELL PUBLIC SCHOOLS TO LESA, AND FROM HOWELL FIRE DEPARTMENT TO CHALLENGER ELEMENTARY UTILIZING A TOTAL UNDERGROUND PATH SOLUTION - INFORMATION TECHNOLOGY

WHEREAS, due to the interest of the Livingston Educational Services Agency (LESA) to have Livingston County coordinate the installation of fiber optic lines across Howell Public Schools campus to the LESA bus garage the Information Technology department is asking for authorization for a Purchase Order to Amcomm Telecommunications Inc. to proceed with this request; and

WHEREAS, LESA has agreed to reimburse Livingston County for all costs associated with this project up to \$20,000; and

WHEREAS, after the review of the two quotes given to the Information Technology Department from Amcomm Telecommunicates, Inc. of White Lake, Michigan the total costs combining both quotes is \$12,882.60; and

WHEREAS, the fiber project is essential to the LESA phone system that they will be installing as without it, LESA would need to rely on wireless connections to their transportation department and are not full comfortable with the reliability of that communication method; and

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves a Purchase Order be issued to Amcomm Telecommunications, Inc. for the installation of fiber optic lines across Howell Public Schools campus to the LESA bus garage for a total amount not to exceed \$12,882.60

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MOVED:

SECONDED:

CARRIED: