

# **FINANCE COMMITTEE**

10/7/2009

304 E. Grand River Ave., Howell, MI

7:30 AM

## **AGENDA**

- 1. CALL MEETING TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
  - A. Minutes of September 23, 2009
  - B. Closed minutes of September 23, 2009
- 4. TABLED ITEMS FROM PREVIOUS MEETINGS**

None
- 5. APPROVAL OF AGENDA**
- 6. REPORTS**
- 7. CALL TO THE PUBLIC**
- 8. PURCHASING**
  - A. RESOLUTION AUTHORIZING CONTRACT EXTENSION WITH LINDHOUT ASSOCIATES ARCHITECTS FOR ARCHITECTURAL SERVICES – Building Construction Committee / Finance Committee
- 9. DEPARTMENT OF PUBLIC HEALTH**
  - A. RESOLUTION TO AUTHORIZE AGREEMENT FOR THE DELIVERY OF COMPREHENSIVE HEALTH SERVICES FOR THE PERIOD OF OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010 - Department of Public Health / Health & Human Services Committee / Finance Committee
  - B. RESOLUTION TO AUTHORIZE ENTERING INTO AN AGREEMENT WITH NETWERKES, LLC TO PROVIDE INTERNET-BASED TRANSACTION AND DATABASE SERVICES - Department of Public Health / Health & Human Services Committee
- 10. EMS**
  - A. RESOLUTION AUTHORIZING THE PURCHASE OF EMS RADIO EQUIPMENT FOR EMS EMERGENCY RESPONSE VEHICLES - EMS / Finance Committee
- 11. MICHIGAN WORKS!**
  - A. RESOLUTION AUTHORIZING A LEASE WITH BRIGHTON AREA SCHOOLS THE MICHIGAN WORKS! CAREER TRANSITION CENTER AT THE BRIGHTON EDUCATION COMMUNITY CENTER – 125 CHURCH STREET, BRIGHTON - Michigan Works! / Finance Committee / Health & Human Services Committee / Finance Committee
- 12. OLHSA**
  - A. RESOLUTION AMENDING RESOLUTION #2009-03-14, WHICH AUTHORIZED PURSUING THE 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOUSING GRANT AND AN AGREEMENT WITH OAKLAND LIVINGSTON HUMAN SERVICE (OLHSA) AGENCY TO ACT

AS GRANT ADMINISTRATOR, INCLUDING PREPARATION OF THE 2011-2012 CDBG GRANT APPLICATION - OLHSA / Finance Committee

B. RESOLUTION ACCEPTING THE 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOUSING GRANT AND AUTHORIZING AN AGREEMENT WITH OAKLAND LIVINGSTON HUMAN SERVICE AGENCY TO ACT AS GRANT ADMINISTRATOR, INCLUDING PREPARATION OF THE 2011-2012 CDBG GRANT APPLICATION - OLHSA / Finance Committee

**13. ADMINISTRATION**

A. RESOLUTION TO ADOPT CHANGES TO THE BENEFIT PACKAGE FOR NON-UNION EMPLOYEES HIRED ON OR AFTER NOVEMBER 1, 2009 - Administration / Personnel Committee / Finance Committee

B. RESOLUTION TO AUTHORIZE THE THIRD AMENDMENT TO THE LIVINGSTON COUNTY RETIREE HEALTH SAVINGS PROGRAM - Administration / Finance Committee

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**08A** RESOLUTION AUTHORIZING CONTRACT EXTENSION WITH LINDHOUT ASSOCIATES ARCHITECTS FOR ARCHITECTURAL SERVICES – Building Construction Committee / Finance Committee

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**09A** RESOLUTION TO AUTHORIZE AGREEMENT FOR THE DELIVERY OF COMPREHENSIVE HEALTH SERVICES FOR THE PERIOD OF OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010 - Department of Public Health / Health & Human Services Committee / Finance Committee

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**09B** RESOLUTION TO AUTHORIZE ENTERING INTO AN AGREEMENT WITH NETWERKES, LLC TO PROVIDE INTERNET-BASED TRANSACTION AND DATABASE SERVICES - Department of Public Health / Health & Human Services Committee

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**10A** RESOLUTION AUTHORIZING THE PURCHASE OF EMS RADIO EQUIPMENT FOR EMS EMERGENCY RESPONSE VEHICLES - EMS / Finance Committee

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**11A** RESOLUTION AUTHORIZING A LEASE WITH BRIGHTON AREA SCHOOLS THE MICHIGAN WORKS! CAREER TRANSITION CENTER AT THE BRIGHTON EDUCATION COMMUNITY CENTER – 125 CHURCH STREET, BRIGHTON - Michigan Works! / Finance Committee / Health & Human Services Committee / Finance Committee

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**12A** RESOLUTION AMENDING RESOLUTION #2009-03-14, WHICH AUTHORIZED PURSUING THE 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOUSING GRANT AND AN AGREEMENT WITH OAKLAND LIVINGSTON HUMAN SERVICE (OLHSA) AGENCY TO ACT AS GRANT ADMINISTRATOR, INCLUDING PREPARATION OF THE 2011-2012 CDBG GRANT APPLICATION - OLHSA

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**12B** RESOLUTION ACCEPTING THE 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOUSING GRANT AND AUTHORIZING AN AGREEMENT WITH OAKLAND LIVINGSTON HUMAN SERVICE AGENCY TO ACT AS GRANT ADMINISTRATOR, INCLUDING PREPARATION OF THE 2011-2012 CDBG GRANT APPLICATION - OLHSA / Finance Committee

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**13A** RESOLUTION TO ADOPT CHANGES TO THE BENEFIT PACKAGE FOR NON-UNION EMPLOYEES HIRED ON OR AFTER NOVEMBER 1, 2009 - Administration / Personnel Committee / Finance Committee

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**13B** RESOLUTION TO AUTHORIZE THE THIRD AMENDMENT TO THE LIVINGSTON COUNTY RETIREE HEALTH SAVINGS PROGRAM - Administration / Finance Committee

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**14. MISCELLANEOUS CLAIMS**

**15. COMPUTER PRINTOUT - (attached)**

**16. CLOSED SESSION - Labor negotiations update (no attachment)**

**17. ADJOURNMENT**

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

**RESOLUTION AUTHORIZING CONTRACT EXTENSION WITH LINDHOUT ASSOCIATES ARCHITECTS FOR ARCHITECTURAL SERVICES – Building Construction Committee**

**WHEREAS,** Resolution # 1104-0347, approved on November 1, 2004, authorized entering into an agreement with Lindhout Associates Architects for architectural services on an as needed basis for a period of five years with two (2), one-year renewal options, in which the initial contract term would expire on October 31, 2009; and

**WHEREAS,** during this contract period, Lindhout Associates has provided quality work and has demonstrated their expertise in the most cost effective manner to insure the maintenance and modifications required by Livingston County are in compliance with the various codes and ordinances; and

**WHEREAS,** Lindhout Associates has agreed to reduce their compensation rate during the renewal period by five (5) percent on both their hourly rate and construction cost schedules; and

**WHEREAS,** all other terms and conditions will remain the same; and

**WHEREAS,** this contract renewal has been reviewed and supported by the Building Construction Committee.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby approves the extension of the contract with Lindhout Associates Architects for Architectural Services on an as needed basis for the one-year period from November 1, 2009 – October 31, 2010.

**BE IT FURTHER RESOLVED** that the compensation rate on both the hourly rate and construction cost schedules will be reduced by five (5) percent from the current contract rates. All other terms and conditions will remain the same.

**BE IT FURTHER RESOLVED** that the Board Chairman be authorized to sign any agreements or documents needed for this project or renewals upon preparation of Civil Counsel.

# # #

MOVED:  
SECONDED:  
CARRIED:

**RESOLUTION**

**NO:**

**LIVINGSTON COUNTY**

**DATE:**

**RESOLUTION TO AUTHORIZE AGREEMENT FOR THE DELIVERY OF  
COMPREHENSIVE HEALTH SERVICES FOR THE PERIOD OF OCTOBER 1, 2009  
THROUGH SEPTEMBER 30, 2010 - Department of Public Health / Health & Human Services  
Committee**

**WHEREAS,** the Livingston County Department of Public Health has determined a need for provision of the delivery of comprehensive health services; and

**WHEREAS,** these services are basic, required and allowable health services under Act 368 Public Acts of 1978, and individual categorical contractual services; and

**WHEREAS,** the Michigan Department of Community Health provides a contractual relationship to partially reimburse Livingston County for the following health services which represent an initial appropriation that may be revised by future amendment:

Local Public Health Operating - MDCH .....	\$293,993
Local Public Health Operating - MDA .....	118,532
Local Public Health Operating – MDEQ – Drinking Water .....	109,009
Local Public Health Operating - MDEQ – On-Site Sewage.....	148,786
Women, Infants & Children .....	245,319
Maternal & Child Health .....	39,490
Vaccine Quality Assurance .....	9,606
Immunization IAP.....	75,063
Immunization Field Rep.....	5,000
Immunization Reaching More Children & Adults.....	17,580
Children’s Special Health Care Services (CSHCS) .....	80,000
Bioterrorism Emergency Preparedness .....	158,991
Bioterrorism Cities Readiness Initiatives .....	58,660
Novel H1N1 .....	210,659
TOTAL .....	<u>\$1,570,688</u>

**WHEREAS,** the Michigan Department of Community Health may propose future amendments for the purpose of revising the funding or terms of the Agreement.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby authorizes an Agreement with the Michigan Department of Community Health for the delivery of comprehensive health services in Livingston County during the period of October 1, 2009 through September 30, 2010.

**BE IT FURTHER RESOLVED** that \$1,570,688 shall be allocated to the Health Fund Account 221 to support the provisions of the Comprehensive Health Services Agreement authorized herein.

**BE IT FURTHER RESOLVED** that the Chair of the Livingston County Board of Commissioners be authorized to sign the above-referenced Agreement upon review by Civil Counsel.

**BE IT FURTHER RESOLVED** that the Chair of the Board of Commissioners be authorized to sign future amendments for monetary and contract language adjustments of the above-referenced Agreement upon review by Civil Counsel.

**BE IT FURTHER RESOLVED** that any deletions or additions of programs shall require Board approval.

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**MOVED:**

**SECONDED:**

**CARRIED:**

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

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**RESOLUTION TO AUTHORIZE ENTERING INTO AN AGREEMENT WITH NETWERKES, LLC TO PROVIDE INTERNET-BASED TRANSACTION AND DATABASE SERVICES - Department of Public Health / Health & Human Services Committee**

**WHEREAS,** the Livingston County Department of Public Health currently prepares billings for services provided to Medicare and Medicaid clients and checks eligibility using Netwerkes; and

**WHEREAS,** the Health Department realizes that using an electronic method to bill for services is the most cost effective and saves staff time; and

**WHEREAS,** Netwerkes wishes to enter into a contract with Livingston County; and

**WHEREAS,** the Michigan Department of Community Health (MDCH) will stop subsidizing the cost of Netwerkes services and the current Netwerkes contract will be terminated by them on Sept 30, 2009 according to contract language; and

**WHEREAS,** Netwerkes has been working closely with the Michigan Association for Local Public Health (MALPH) and has agreed to a reduced rate for claims and eligibility, which will allow local health departments to receive the maximum possible reimbursement rate.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby authorizes entering into an agreement with Netwerkes, LLC for internet-based transaction and database services with charges as outlined in the agreement for the period of October 1, 2009 through September 30, 2010, together with an option for a yearly renewal for services described above.

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

**BE IT FURTHER RESOLVED** that, upon satisfactory performance of the contract, as determined by the County Administrator, the Board Chairperson be authorized to sign a yearly renewal as approved as to form by Civil Counsel.

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**MOVED:**

**SECONDED:**

**CARRIED:**

**RESOLUTION**

**NO:**

**LIVINGSTON COUNTY**

**DATE:**

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**RESOLUTION AUTHORIZING THE PURCHASE OF EMS RADIO EQUIPMENT FOR EMS EMERGENCY RESPONSE VEHICLES - EMS / Health & Human Services Committee / Finance Committee**

**WHEREAS,** the EMS Department is hereby requesting authorization to purchase replacement radio equipment for EMS Emergency response vehicles; and

**WHEREAS,** this equipment will replace the current radios in 4 EMS Emergency response vehicles; and

**WHEREAS,** the radio equipment will be purchased through Motorola per their quote dated September 23, 2009 for \$24,369.60, the pricing for the radio equipment is under State of Michigan pricing contract #071B50000240; and

**WHEREAS,** the antennas and accessories will be purchased through State Electronics per their quote dated September 18, 2009 for \$5,386.00; and

**WHEREAS,** the total cost for EMS radios and accessories is \$29,755.60 and funding for same is available in the EMS 2009 Budget; and

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby approves the purchase of EMS Radio Equipment from Motorola at a cost of \$24,369.60 and antennas and accessories from State Electronics for \$5,386.00 for a total cost of \$29,755.60

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**MOVED:**

**SECONDED:**

**CARRIED:**



**RESOLUTION**

**NO.:**

**LIVINGSTON COUNTY**

**DATE:**

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**RESOLUTION AUTHORIZING A LEASE WITH BRIGHTON AREA SCHOOLS THE MICHIGAN WORKS!  
CAREER TRANSITION CENTER AT THE BRIGHTON EDUCATION COMMUNITY CENTER ,  
125 CHURCH STREET, BRIGHTON - Michigan Works! / Health & Human Services Committee**

- WHEREAS,** Because of increasing demand for services it has become necessary to for Livingston County Michigan Works! to expand its operations in the county, and
- WHEREAS,** Under the guidance of the Livingston County Workforce Development Council, the Director of Livingston County Michigan Works! has negotiated a partnership agreement with Brighton Area Schools to open a Career Transition Center at the Brighton Education Community Center, 125 Church Street, Brighton
- WHEREAS,** Services provided at the Career Transition Center are meant to be specialized workshops and services which do not duplicate the services provided at the Michigan Works Livingston Service Center in Howell,
- WHEREAS** Brighton Area Schools has agreed to provide office space in the Brighton Community Education Center in exchange for services and other considerations as described in the lease, and
- WHEREAS,** The Landlord is identified as follows:  
Brighton Area Schools  
125 Church Street  
Brighton, MI 48116
- WHEREAS,** The lease period begins September 8, 2009 to June 30, 2011, with an option to renew contingent upon availability of funding and a continuing need for the services,
- WHEREAS,** Funds are available for this purpose from the American Recovery and Reinvestment Act and other federal and state grants administered by Livingston County Michigan Works! and
- WHEREAS,** Civil Counsel and the Landlord have prepared the lease for the facility, and
- WHEREAS,** The lease has been approved by the Brighton Area Schools.

**THEREFORE BE IT RESOLVED,** That the Livingston County Board of Commissioners approves entering into a lease with Brighton Area Schools for the Michigan Works! Career Transition Center commencing September 8, 2009 at the Brighton Education and Community Center, 125 Church Street, Brighton

**BE IT FURTHER RESOLVED,** That the Chair of the Livingston County Board of Commissioners is authorized to sign said lease with the Brighton Area Schools upon review and approval of Civil Counsel.

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**MOVED:  
SECONDED:  
CARRIED:**

**RESOLUTION**

**NO:**

**LIVINGSTON COUNTY**

**DATE:**

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**RESOLUTION AMENDING RESOLUTION #2009-03-114, WHICH AUTHORIZED PURSUING THE 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOUSING GRANT AND AN AGREEMENT WITH OAKLAND LIVINGSTON HUMAN SERVICE (OLHSA) AGENCY TO ACT AS GRANT ADMINISTRATOR, INCLUDING PREPARATION OF THE 2011-2012 CDBG GRANT APPLICATION - OLHSA / Finance Committee**

**WHEREAS,** Resolution # 2009-03-114, approved on March 30, 2009, authorized pursuing a \$300,000 2009-2010 Community Development Block Grant (CDBG) Housing Grant, an agreement with Oakland Livingston Human Services Agency (OLHSA) to act as Grant Administrator at a rate not to exceed \$60,000, local match funds of \$60,000 to be provided by OLHSA/Livingston County Services and to include the preparation of the 2011-2012 CDBG Grant application; and

**WHEREAS,** the County has been notified that the award approved by the Michigan CDBG Housing Program is now for \$375,000 which reflects an additional \$75,000 than what was originally approved; and

**WHEREAS,** the Michigan CDBG Housing Program now requires a \$135,000 local match as opposed to the \$60,000 that was originally approved; and

**WHEREAS,** the amount allowed for reimbursement to OLHSA for Grant Administrator services is an amount not to exceed \$67,500 as opposed to the \$60,000 that was originally approved; and

**WHEREAS,** the Grant Administrator Agreement shall be coterminous with the grant funding period authorized by the Michigan CDBG Housing Program.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby approves the amendments to Resolution # 2009-03-114 as follows:

- Increase the CBDG grant award to \$375,000,
- Increase the local match funds to \$135,000,
- Increase the reimbursement for Grand Administrator services to \$67,500,
- The Grant Administrator Agreement shall be coterminous with the Michigan CDBG Housing Program.

**BE IT FURTHER RESOLVED** that the Board of Commissioners be authorized to sign said agreement upon review of civil counsel.

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**MOVED:**

**SECONDED:**

**CARRIED:**

**RESOLUTION**

**NO:**

**LIVINGSTON COUNTY**

**DATE:**

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**RESOLUTION ACCEPTING THE 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOUSING GRANT AND AUTHORIZING AN AGREEMENT WITH OAKLAND LIVINGSTON HUMAN SERVICE AGENCY TO ACT AS GRANT ADMINISTRATOR, INCLUDING PREPARATION OF THE 2011-2012 CDBG GRANT APPLICATION - OLHSA / Finance Committee**

**WHEREAS,** the County of Livingston is interested in the continued effort to upgrade housing conditions for its low income, very low income, and senior homeowners, and to assist same with housing acquisition; and

**WHEREAS,** funding for the above is available through the Michigan CDBG Housing Program 2009 Housing Resource Fund, and Livingston County, as fiduciary, has been awarded the amount of \$375,000 by the Michigan State Housing Development Authority (MSHDA); and

**WHEREAS,** the MSHDA CDBG Housing Program Grant requires a \$135,000 local match, which matching funds shall be provided by Oakland Livingston Human Service Agency/Livingston County Services (OLHSA/Livingston County Services); and

**WHEREAS,** under Resolution #2009-03-114, dated March 30, 2009, the Livingston County Board of Commissioners authorized OLHSA/Livingston County Services to initiate the application process for the 2009-2010 grant cycle and act as Grant Administrator of the CDBG Housing Program Grant; and

**WHEREAS,** a Grant Administrator Agreement is needed between Livingston County and OLHSA transferring responsibilities of the grant administration and provisions of the matching funds required by the MSHDA CDBG Housing Program Grant to OLHSA which includes submission to the Livingston County Financial Officer of any reporting documents required by MSHDA; and

**WHEREAS,** for administration and State deadline purposes, the above-referenced Grant Administrator Agreement will remain in effect to encompass the 2011-2012 application process.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby accepts the 2009-2010 Community Development Block Grant Housing Program Grant from the Michigan State Housing Development Authority in the amount of \$375,000.

**BE IT FURTHER RESOLVED** that the Chairman of the Board of Commissioners be authorized to sign said Michigan State Housing Development Authority 2009-2010 Community Development Block Grant Housing Program Grant.

**BE IT FURTHER RESOLVED** that the Livingston County Board of Commissioners authorizes the Oakland Livingston Human Service Agency/Livingston County Services to act as Grant Administrator of the 2009-2010 CDBG Housing Program Grant, inclusive of preparation and filing of the Application for the 2011-2012 grant cycle, conditioned upon OLHSA providing the matching funds required by the Grant and with the understanding that OLHSA shall be reimbursed for its administrative expenses from the Grant in an amount not to exceed the sum of 18% plus up to 2% allowable soft costs.

**BE IT FURTHER RESOLVED** that the Board of Commissioners hereby authorizes the Chairman to sign the Grant Administrator Agreement transferring the grant administration and fund matching responsibilities to OLHSA upon preparation of same by Civil Counsel.

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**MOVED:  
SECONDED:  
CARRIED:**

**RESOLUTION**

**NO:**

**LIVINGSTON COUNTY**

**DATE:**

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**RESOLUTION TO ADOPT CHANGES TO THE BENEFIT AND WAGE PACKAGE FOR NON-UNION EMPLOYEES HIRED ON OR AFTER NOVEMBER 1, 2009 - Administration**

**WHEREAS** the economy of State of Michigan and Southeast Michigan in particular has been and is expected to continue to suffer in a recession lasting well into the next decade; and

**WHEREAS** the effect of this recession has caused the nation’s highest unemployment as well as the market reductions in benefits historically enjoyed; and

**WHEREAS** Livingston County has been forced to reduce the cost of government through restructuring, program discontinuance, employee layoffs, and benefit reductions and cost sharing; and

**WHEREAS** consistent with actions taken in the general labor market, it is appropriate that Livingston County institute a “two tiered” benefit system with benefits different for non-union employees hired on or after November 1, 2009.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby authorizes the below modifications to the non-union benefits available to employees hired on or after November 1, 2009:

1. A 2.5% market adjustment decrease shall be made at each of the applicable non-union salary schedule steps.
2. Health and dental benefits will be provided with an employee contribution of 20% of the premium of the coverage the employee selects.
3. The Retiree Health Savings Program shall no longer be offered to new hires; said action will be effectuated under separate Board resolution.

**BE IT FURTHER RESOLVED** that the interpretation and operation of the benefits outlines above are within the sole discretion of the Livingston County Board of Commissioners and the benefits outlines above may be added to, expanded, reduced, deleted, or otherwise modified by the County Board and such modifications shall be solely within the discretion of the Livingston County Board of Commissioners.

**BE IT FURTHER RESOLVED** that any document changes necessary to implement these modifications is hereby authorized.

**BE IT FURTHER RESOLVED** that the Chairman of the Board of Commissioners is hereby authorized to sign any agreements necessary to implement these modifications.

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**MOVED:**  
**SECONDED:**  
**CARRIED:**

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**RESOLUTION**

**NO:**

**LIVINGSTON COUNTY**

**DATE:**

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**RESOLUTION TO AUTHORIZE THIRD AMENDMENT TO COUNTY OF LIVINGSTON RETIREE HEALTH SAVINGS PROGRAM - COUNTY ADMINISTRATION / Finance Committee**

**WHEREAS,** Livingston County Board of Commissioners adopted Resolution #1203-450 that established the Livingston County Retiree Health Savings Program with an effective date of January 1, 2004, for eligible employees hired after March 17, 2003, and an effective date of November 18, 2003, for eligible employees choosing the Special Window “opt-out”; and

**WHEREAS,** Livingston County Board of Commissioners adopted Resolution #2007-10-271 to amend the Livingston County Retiree Health Savings Program as required by the IRS to eliminate elective features; and

**WHEREAS,** the County of Livingston Retirement Health Savings Program was amended a second time under Resolution #2008-12-374 pursuant to the collective bargaining agreement between Livingston County Courts and the Michigan Association of Public Employees which provides that effective January 1, 2009 Court employees may participate in the County of Livingston Retirement Health Savings Program.

**WHEREAS,** Livingston County Board of Commissioners adopted Resolution #2009-\_\_\_\_\_ that provides that all employees hired on or after November 1, 2009 shall no longer be eligible to participate Retiree Health Savings Program.

**THEREFORE BE IT RESOLVED** that subject to review by pension and benefits counsel, the Livingston County Board of Commissioners hereby amends the program as previously adopted:

<p><b>COUNTY OF LIVINGSTON RETIREE HEALTH SAVINGS PROGRAM</b></p>
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**PROGRAM GUIDELINES**

**SECTION 1**

**PURPOSE**

The purpose of the Program is to assist employees with saving for their future health care costs in retirement. The Livingston County Board of Commissioners hereby reserves and retains, solely and exclusively, all rights to interpret and operate the Program. Furthermore, the County Board reserves the right to add to, delete from, modify and/or change the Program in any way it deems appropriate, including termination of any and all provisions of the Program.

**SECTION II****DEFINITIONS**

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

1. *COUNTY or EMPLOYER* means the County of Livingston.
2. *COLLECTIVE BARGAINING ASSOCIATIONS* means those associations which have negotiated to participate in this Program, either specifically or by a “me too” provision.
3. *EMPLOYER CONTRIBUTIONS* means the payment made to the Participant’s Plan Account by the County up to the maximum amount allowed under the Program.
4. *EMPLOYEE* means any of the following:
  - (a) a non-union person employed by the County after March 17, 2003 and hired before November 1, 2009;
  - (b) a non-union person employed by the County on or before March 17, 2003 and hired before November 1, 2009, who is otherwise eligible to participate in the Retiree Health Care Plan, and (1) voluntarily elects to irrevocably cease participation in the Retiree Health Care Plan, and (2) elects to participate in this Program upon being offered that opportunity by the County;
  - (c) a person who is an elected official or judge of the County elected or appointed after March 17, 2003 and before November 1, 2009;
  - (d) a person who is an elected official or judge of the County elected or appointed on or before March 17, 2003, who is otherwise eligible to participate in the Retiree Health Care Plan, and (1) voluntarily elects to irrevocably cease participation in the Retiree Health Care Plan, and (2) elects to participate in this Program upon being offered that opportunity by the County; or
  - (e) A person employed by the County who is a member of a Collective Bargaining Association which has agreed to participate in this Program subject to the participation provisions of the collective bargaining agreement and this Program.
5. *PARTICIPANT CONTRIBUTIONS* means the voluntary payment made to the Participant’s Plan Account by the Employee. Participant contributions shall cease as of December 31, 2007.
6. *PARTICIPANT* means an Employee who is a member of a retirement plan of the County, is eligible for County provided health insurance while actively employed by the County and is also enrolled in the Program. No person shall be considered a Participant of the Program who is compensated for services to the County on a fee or independent contractual basis. In all cases of doubt, the Personnel Director shall decide who is a Participant within the meaning of this Program provided such decision is consistent with any applicable collective bargaining agreements or established County Policy.
7. *COUNTY POLICY* means those personnel and other policies as adopted by the Board of Commissioners and as contained in the employee manual or other appropriate written documents.

8. *PLAN ACCOUNT* means the account into which Participant Contributions and/or Employer Contributions under this Program are credited. Such Plan Account may be the Employee's 457 Plan or such other County plan which may be established by the County for purposes of this Program.
9. *PROGRAM* means the Retiree Health Savings Program of the County as described herein and any subsequent changes.
10. *PROGRAM YEAR* means the period commencing on January 1 and ending on December 31 of each year.
11. *RETIREMENT PLAN* means those retirement systems (collectively and individually) provided by the County of Livingston for its eligible employees and shall include any retirement program adopted by the County of Livingston and administered by the Michigan Municipal Employees Retirement System as provided by Act 135, the Public Acts of 1945, as amended.
12. *RETIREE HEALTH CARE PLAN* means the County of Livingston Retiree Health Care Plan as adopted by the County Board of Commissioners on June 2, 2003 and as amended in which participation has been granted to certain non-union employees hired on or before March 17, 2003, elected officials first elected on or before March 17, 2003, and certain union employees represented by Collective Bargaining Associations that have negotiated agreements granting participation in the plan (see the Retiree Health Care Plan document for details).

### **SECTION III**

#### **ELIGIBILITY**

In order to be eligible to participate in this Program during any Program Year, an individual must meet all of the following:

1. be a current permanent Employee of the County; and
2. be eligible, under County Policy or an applicable collective bargaining agreement, to participate in a County's Retirement Plan; and
3. be eligible, under County Policy or an applicable collective bargaining agreement, to receive the County's health care insurance as an active employee; and
4. have filed a written election with the County to participate in this Program and be enrolled in a Plan Account; and
5. not be eligible for participation in the Retiree Health Care Plan.

**SECTION IV****ENROLLMENT IN PROGRAM**

Subject to all applicable provisions of this Program, the County shall give each eligible Employee initial notice of his or her opportunity to enroll in the Program at the time he/she completes the necessary paperwork for new hires. Additionally, each eligible Employee shall have an opportunity to enroll in the Program each year during the month of December for the next upcoming year. Once enrolled, the Participant will be expected to continue their participation until such a time as the participant notifies the payroll department in writing that they wish to withdraw from the Program. Depending upon the alternative funding plan chosen, however, participation once begun may require continuation in the program for as long as the Participant is employed by the County. Employees participating in the Retiree Health Care Plan shall only have the opportunity to enroll during special "opt-out" windows at the discretion of the County.

**SECTION V****TERMINATION OF PARTICIPATION**

Participation in the Program shall terminate in accordance with the Program Guidelines and/or applicable collective bargaining agreement, on the earliest of:

1. termination of the Program;
2. voluntary or involuntary separation of employment;
3. termination of an Employee's eligibility to participate in the County's Retirement Plan;
4. termination of an Employee's eligibility to participate in the County's regular health insurance plan as an active employee.

**SECTION VI****PARTICIPANT CONTRIBUTION(S) (PLEASE NOTE: ALL PARTICIPANT CONTRIBUTIONS SHALL CEASE AS OF DECEMBER 31, 2007)**

The Participant Contributions will be made by payroll deduction and deposited into the Participant's Plan Account. The Participant will authorize the amount to be deducted on a per pay period basis from their paycheck. It is expressly understood that the Participant Contributions and matching Employer Contributions will be subject to the applicable deferral limitations for the Plan Account in accordance with the Internal Revenue Code. Participant Contributions shall cease as of December 31, 2007.

**SECTION VII****EMPLOYER'S CONTRIBUTION(S)**

The amount of the Employer Contribution will be calculated based on the Participant's years of service. The Employer will contribute the Employer Contribution amount to the



Participant’s Plan Account with the first pay after last pay of each quarter. The Employer’s Contribution shall not be included as compensation or earnings when computing the Participant’s retirement benefits. In addition, any deductions required from the Employer Contributions by state or federal rule, regulation or law shall be subtracted from the total contribution made by the Employer on behalf of the Participant.

The Employer Contribution shall be subject to the following maximum limitation in each calendar year of participation:

For Non-Union Employees:

YEARS OF SERVICE	AMOUNT
First five (5) years of service with the County	Up to \$520.00 per year (pro-rated)
Beginning with sixth (6 <sup>th</sup> ) year of service with the County until termination of Participation	Up to \$1560.00 per year (pro-rated)
Adjusted annually consistent with the non-union salary schedule adjustment, beginning in 2005.	
The County contribution shall be distributed over a twelve (12) month period (four equal payments).	

For Court Bargaining Unit Employees – County Contributions to be Effective January 1, 2009:

YEARS OF SERVICE	AMOUNT
First five (5) years of service with the County	Up to \$350.00 per year (pro-rated)
Beginning with sixth (6 <sup>th</sup> ) year of service with the County until termination of Participation	Up to \$1000.00 per year (pro-rated)
Adjusted annually consistent with the Court bargaining unit salary schedule adjustment, beginning in 2010.	
The County contribution shall be distributed over a twelve (12) month period (four equal payments).	

Years of service for purposes of this section must be actual service rendered with the County as an eligible employee or elected official. 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.

In the event a Participant terminates Participation in the Program prior to the end of a calendar year, the Employer Contribution, up to the maximum allowed for the Participant’s years of service, will be appropriately adjusted (1/12 of an allowed match for each full month of service in that calendar year) and paid to the Participant’s Plan Account with the last paycheck.

**SECTION VIII**

**SPECIAL WINDOW “OPT-OUT”**

Employees beginning service on or before March 17, 2003, who are participants in the Retiree Health Care Plan, will be given a special one-time window of opportunity to voluntarily “opt-out” of the Retiree Health Care Plan and elect Participation in this Program. The decision to opt out of the Retiree Health Care Plan shall be made in writing upon such form or forms as the County may require and once made is IRREVOCABLE. In consideration for such a non revocable decision to “opt-out” of the Retiree Health Care Plan, the County will make an Employer Contribution in an amount equal to the maximum amounts provided under the Program for each of the eligible years of County service the employee has served. Any elected Official whose date of continuous employment is different than the date of participation in the MERS pension plan, the earlier date shall be the basis of the calculations for the buyout. Said Employer Contribution will be payable to the Participant’s Plan Account. There will be no required Participant Contribution into the Participant’s Plan Account to match the Employer’s special “opt-out” contribution. Continued Participation in the Program, however, will require Participant Contributions to receive future Employer Contributions. Future Employer Contributions would be based upon all years of actual service with the County in accordance with the provisions of Section VII. By way of illustration only, the following examples are offered:

EMPLOYEE A - Hired on March 2, 1998, Employee A would receive **\$3,900\*** in the last pay period in December of 2003 if that employee chooses the irrevocable option to “opt-out” of the County of Livingston Retiree Health Care Plan to participate in this Program.

SERVICE REQUIREMENT	FORMULA	AMOUNT
First five (5) years of service	\$520 per year x 5	\$2,600.00
Ten (10) months of 6 <sup>th</sup> year of service (March through to December 2003)	\$130 per month x 10	\$1,300.00
EMPLOYER CONTRIBUTION	TOTAL:	\$3,900.00

EMPLOYEE B - Hired in September 24, 1979, Employee B would receive **\$32,630\*** in the last pay period in December of 2003 if that employee chooses the irrevocable option to “opt-out” of the County of Livingston Retiree Health Care Plan to participate in this Program.

SERVICE REQUIREMENT	FORMULA	AMOUNT
First five (5) years of service	\$520 per year x 5	\$2,600.00
Next nineteen (19) years of service	\$1,560 per year x 19	\$29,640.00

Three (3) months of 25 <sup>th</sup> year of service	\$130 per month x 3	\$390.00
EMPLOYER CONTRIBUTION TOTAL:.....		\$32,630.00

\*Any Employer Contribution that exceeds the dollar amount allowed for deferment into the Participant’ Plan Account on a yearly basis: 1. may be paid - out into the Participant’s Plan Account over a maximum of three years; or, 2. may be taken as a lump-sum payment which will be considered taxable income; or, 3. a combination of payments to the Plan Account and lump-sum payment; or, 4. defer receipt of lump sum pay-off until new program (401a or Retirement Health Savings Plan) is established. For those employees who opt to either take the Employer Contributions over a two to three year period, and/or those who decide to defer the Employer Contributions until a new program is established, the deferred amount(s) shall be enhanced by the annual interest rate equivalent earned on the investment of surplus County funds. The Employer’s Contribution, nevertheless, shall not be included as compensation or earnings when computing the Participant’s retirement benefits. As always, any deductions required from the Employer’s Contributions by state or federal rule, regulation or law shall be subtracted from the total contribution made by the Employer on behalf of the Participant.

**SECTION IX**

**INTERNAL COUNTY TRANSFERS**

The transfer of an Employee from another employee group into an employee group that participates in this Program will require a review by the Personnel Department of the Employee’s eligibility both to participate in this Program and for a possible “opt-out” of the Retiree Health Care Plan, if the Employee was covered under that plan while with the former employee group. The following are provided for illustrative purposes only:

1. Employee A transfers from an employee group that has not already agreed to participate in this Program and does not participate in the County of Livingston Retiree Health Care Plan. In that case, if Employee A is otherwise qualified for this Program, the employee could begin participation at the Employer’s Contribution maximum level allowed for his length of County service. There would be no “opt-out” available for Employee A.
2. Employee B transfers from an employee group that has not already agreed to participate in this Program, but does participate in the Retiree Health Care Plan. Employee B would be offered an initial opportunity to voluntarily “opt-out” of the Retiree Health Care Plan. If Employee B elects to make an irrevocable decision to “opt-out” of the Retiree Health Care Plan, the County will make an appropriate Employer Contribution to the Participant’s Plan Account in accordance with Section VIII. Continued participation in this Program after the date of transfer is subject to all provisions herein.

In those circumstances where the opportunity to “opt-out” of the Retiree Health Care Plan is appropriate, the Personnel Department will prepare and provide the necessary form or forms to the transferring employee for his/her consideration and election.

**SECTION X**

**AMENDMENT - TERMINATION OF PROGRAM**

The County Board of Commissioners reserves the right to amend or terminate the Program in any manner deemed appropriate by the Board in its sole discretion so long as such amendment or termination is not inconsistent with any applicable collective bargaining agreement. Notwithstanding, such amendment or termination, Participant shall be fully vested in any Employer Contribution paid by the County on a Participant’s behalf in accordance with this Program prior to such amendment or termination.

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MOVED: Commissioner

SECONDED: Commissioner

CARRIED: