



# BOARD OF COMMISSIONERS

## REVISED AGENDA

September 16, 2019

7:30 PM

304 E. Grand River, Board Chambers, Howell MI 48843

*"The mission of Livingston County is to be an effective and efficient steward in delivering services within the constraints of sound fiscal policy. Our priority is to provide mandated services which may be enhanced and supplemented to improve the quality of life for all who work, reside and recreate in Livingston County."*

Pages

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. CORRESPONDENCE 4
  - a. Alger County Resolution 2019-18 Supporting Caro Center
  - b. Antrim County Resolution 21-2019 Opposing Trial Court Funding Commission Interim Report
  - c. Cheboygan County Resolution 19-13 Support of Line 5 Tunnel
  - d. Eaton County Resolution 19-8-89 Medicaid Audit Takeback
  - e. Huron County Resolution 19-89C Opposing Trial Court Funding Commission Interim Report
  - f. Huron County Resolution 19-94C Support Withholding Local Funding from the PIHP
  - g. Iosco County Resolution Opposing Trial Court Funding Interim Report
  - h. Marquette County Resolution Opposing Legislation to Prevent County Commissioner Candidates from Disclosing their Party Affiliation
5. CALL TO THE PUBLIC
6. APPROVAL OF MINUTES 22
  - a. Minutes of Meeting Dated: August 21, 2019
  - b. Minutes of Meeting Dated: August 26, 2019
7. TABLED ITEMS FROM PREVIOUS MEETINGS
8. APPROVAL OF AGENDA
9. REPORTS
  - \*a. Dale Brewer, DAV

## 10. APPROVAL OF CONSENT AGENDA ITEMS

Resolutions 2019-09-125 through 2019-09-135

- |           |   |           |
|-----------|---|-----------|
| <b>a.</b> | <b>2019-09-125</b>  | <b>28</b> |
|           | Resolution Authorizing a Budget Amendment for Carryover of Substance Abuse and Mental Health Services Administration Grant Funds for Adult Drug Court to the Fiscal Year 2019 Budget – Court Central Services |           |
| <b>b.</b> | <b>2019-09-126</b>  | <b>29</b> |
|           | Resolution Authorizing the 2020 Memorandum of Understanding on Cash Match Funding for Behavioral Health Managed Care Services - Juvenile Court  |           |
| <b>c.</b> | <b>2019-09-127</b>  | <b>32</b> |
|           | Resolution Authorizing Sub-recipient Agreement for Transportation Services between Livingston County (LETS) and People’s Express of Whitmore Lake - LETS  |           |
| <b>d.</b> | <b>2019-09-128</b>  | <b>42</b> |
|           | Resolution Authorizing Contract Award to Enterprise Fleet Management to provide Automotive Fleet Management Services for the Car Pool Department  |           |
| <b>e.</b> | <b>2019-09-129</b>  | <b>45</b> |
|           | Resolution Authorizing the Reorganization of the Car Pool Department – Car Pool   |           |
| <b>f.</b> | <b>2019-09-130</b>  | <b>54</b> |
|           | Resolution Authorizing Capital Expenditure for One (1) Vehicle and Supplemental Appropriation to the FY 2019 Budget – Car Pool  |           |
| <b>g.</b> | <b>2019-09-131</b>  | <b>57</b> |
|           | Resolution Authorizing the Ballot Programming Fee – County Clerk  |           |
| <b>h.</b> | <b>2019-09-132</b>  | <b>59</b> |
|           | Resolution for Addendum to Computer Software and License Sales Agreement between Livingston County MI, Register of Deeds and Fidlar Technologies for a new Conversion Project – Register of Deeds             |           |
| <b>i.</b> | <b>2019-09-133</b>  | <b>71</b> |
|           | Resolution to Authorize Additional Office Renovations for the Historic Courthouse and a Supplemental Appropriation to the Fiscal-Year 2019 Budget- Register of Deeds  |           |
| <b>j.</b> | <b>2019-09-134</b>  | <b>72</b> |
|           | Resolution Authorizing an Agreement with American Tower Corporation to Provide Cellular Tower Lease Assignment and Management Services – Fiscal Services  |           |

- k.      **2019-09-135** 75

Resolution Authorizing an Agreement with Outfront Media, Inc. to Provide Billboard Lease Management Services for the West Complex Billboard Owned by Livingston County – Fiscal Services

**11.      RESOLUTIONS FOR CONSIDERATION**

Resolutions 2019-09-136 through 2019-09-137

- a.      **2019-09-136** 77

Resolution to Accept Funding from Ascension Providence Hospital, Michigan Medicine, and Saint Joseph Mercy Health System to Establish a Healthcare Transportation Collaborative - LETS

- b.      **2019-09-137 (Roll Call)** 84

Resolution Amending Resolution 2019-07-109 Authorizing Issuance of Sewage Disposal Bonds (Septage Receiving Station), Series 2019 – DPW

**12.      CALL TO THE PUBLIC**

**13.      CLOSED SESSION**

Discuss Pending Litigation in Case No. 18-30101-CD Pursuant to MCL 15.268(e)

**14.      ADJOURNMENT**

# ALGER COUNTY BOARD OF COMMISSIONERS

Mary Ann Froberg, Clerk  
101 COURT STREET, MUNISING, MI 49862

## RESOLUTION #2019-18

### SUPPORTING THE CARO CENTER IN TUSCOLA COUNTY MICHIGAN

**WHEREAS**, during the 1990's, two thirds of the state-operated psychiatric hospitals serving Michigan citizens closed, and from 2005 to 2010 the number of state psychiatric beds in Michigan decreased by nearly 50%; and

**WHEREAS**, in the absence of needed in-patient treatment and care, individuals in acute or chronic disabling psychiatric crisis increasingly are found in hospital emergency rooms and jails/prisons. These systems experience significant negative impacts as a result. Hospital emergency rooms are so overcrowded that some acutely ill patients wait days or even weeks for a psychiatric bed to open so they can be admitted; some eventually are released to the streets without treatment; and

**WHEREAS**, law enforcement agencies find service calls, transportation and hospital security for people in acute psychiatric crisis creating significant, growing demands on their officers, thus straining public safety resources. More pressure is put on police officers with some jails/prisons containing a third or more of inmates with untreated mental illness; and

**WHEREAS**, the number of persons with mental illness who are homeless has increased. In some communities, officials have reported as many as two-thirds of their homeless population is mentally ill; and

**WHEREAS**, multiple studies and the facts identified above conclude there is a pressing need for long-term, in-patient psychiatric care in Michigan; and

**WHEREAS**, the Legislature responded to this crisis by providing \$115 million in state building authority financed construction for a new state psychiatric hospital and decided that the facility would be built on the grounds of the current Caro Center in the FY 2016-17 and 2017-18 budgets. Then-Governor Snyder concurred, by signing Public Act 107 of 2017, in July of that year; and

**WHEREAS**, on December 19, 2017, the State Administrative Board approved a \$54 million contract with Integrated Design Solutions, to design anew 200 bed, regional state psychiatric hospital (an increase from the current 150 beds at the Caro Center), on the site of the existing Caro Center, with an announcement by then State DHHS Director Nick Lyon "The State of Michigan made a commitment to the Caro community that the new psychiatric hospital would remain in the community, and we are keeping that promise;" and

**WHEREAS**, on October 19, 2018, then-Governor Snyder participated in a ground-breaking for the new 225,000 square foot state psychiatric hospital at the site of the current Caro Center. The new hospital was scheduled to be completed in 2021 and would replace the aging Caro facility. Over \$3 million in taxpayer funds have already been spent in preparation for construction at the Caro site; and

**WHEREAS**, the facility is a vital economic engine for this entire region of Michigan. A recent economic impact study determined that the operation infuses \$54 million annually into the regional economy while directly employing 350 people and indirectly employing another 400 people, making it the second largest employer in Tuscola County; and

**WHEREAS**, relocation of the facility would have dramatic, devastating negative repercussions to businesses, schools, and families living in communities throughout this region of the state. The area economy is already struggling from the previous closure of State Prisons; and

**WHEREAS**, in addition to its critical regional economic importance, by objective measures as previously documented in choosing this location, building the new facility on the site of the current Caro Center is best for the individuals needing in-patient psychiatric care and for the taxpayers of Michigan; and

**WHEREAS**, at the current location there is a 100-year community tradition of caring. Seventy percent of employees travel less than 30 miles to work. The site is centrally located for family visits and patient transportation with 80% of patients coming from Genesee, Oakland, and Macomb Counties, just to the south of Tuscola County. The 600-acre site is already state-owned, and infrastructure is already in place. County engineers determined the on-site water system can be economically upgraded to serve the new hospital. It is accessible to state highways and near area medical providers; and

**WHEREAS**, the difficulty in recruiting psychiatrists is not unique to Tuscola County and will be an issue that has to be dealt with no matter where a new facility is located.


**THEREFORE, BE IT RESOLVED**, the Alger County Board of Commissioners does hereby urge Governor Gretchen Whitmer, Department of Health and Human Services Director Robert Gordon, and members of the State Legislature, in response to a critical shortage of in-patient state psychiatric beds, continue with the construction of a new 200-bed, state psychiatric hospital on the grounds of the current Caro Center, in Tuscola County, as the best option for quality, accessible services to patients and their families, and as the best value to the taxpayers of Michigan and prevent devastating negative repercussions to businesses, schools, and families living in communities throughout this region of the state; and

**BE IT FURTHER RESOLVED** that copies of this Resolution be transmitted to Governor Gretchen Whitmer, Department of Health and Human Services Director Robert Gordon, State Senator Ed McBroom, State Representative Sara Cambensy, Michigan Association of Counties, and all Michigan counties

#### **CERTIFICATION**

I hereby certify that the above is a true copy of a Resolution adopted by the Alger County Board of Commissioners at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

  
\_\_\_\_\_  
Mary Ann Froberg, Alger County Clerk

Dated: August 19, 2019



ANTRIM COUNTY  
BOARD OF COMMISSIONERS  
P.O. Box 520  
Bellaire, Michigan 49615  
Phone (231) 533-6353  
Fax (231) 533-6935  
Chairman: Edgar Boettcher, III

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August 26, 2019

At the August 15, 2019 meeting of the Antrim County Board of Commissioners, the following Resolution was offered:

**Resolution #21-2019** By Karen Bargy, seconded by Brenda Ricksgers

**TRIAL COURT FUNDING COMMISSION INTERIM REPORT**

**WHEREAS**, the County Clerks in Michigan have a constitutional stake in the trial court funding question, but were excluded from participation in the Trial Court Funding Commission. The County Clerks have a unique relationship with the courts and a perspective that should be heard when making recommendations for substantial changes.

**WHEREAS**, the goal of Public Act 65 of 2017 was to create a Trial Court Funding Commission to "review and recommend changes to the trial court funding system in light of *People v. Cunningham*".

**WHEREAS**, the vast majority of the Interim Report deals with the consolidation of all local court staff and operations under state control but does not solve the funding problems that *Cunningham* created (simply moving collections of fines and costs and payment of court salaries/benefits to the state does not mitigate the fact that we will still not be funded adequately).

**WHEREAS**, centralized control of our court process does not necessarily serve the best interest of the public. The County Clerks believe that local judges and citizens are better served by local custodial control. It has been proven to be a more responsive method of serving their needs.

**WHEREAS**, research of other state-funded court systems has shown that state funding creates a culture of complacency that tolerates delay. Accountability is removed from the local level and placed in the hands of bureaucrats in state government who are less connected to the people.

**WHEREAS**, we are concerned that transferring funding to state control would tether the judicial branch to the short term whims of the legislative and executive branches even more than they exist already. In the event of a lack of state funding (government shutdown) this process would also force the shutdown of the court system, resulting in constitutional violation of due process.

**WHEREAS**, it is critical to note that the finding of 46th Circuit Trial Court v. County of Crawford, 2006:143 states directly: "In order for the judicial branch to carry out its constitutional responsibilities as envisioned by the Constitution of 1963, art3, SS 2, the judiciary cannot be totally beholden to legislative determinations regarding its budgets."



**RESOLUTION #21-2019 Continued.**

**WHEREAS**, this Interim Report recommends altering the Michigan Constitution to provide that circuit court clerks are employed by the court and under the supervision of state government rather than the County Clerk.

**WHEREAS**, County Clerks serve a critical role in the judicial system. They are constitutionally mandated to ensure the integrity of the records and protecting the best interests of our citizens. Removing County Clerks from the picture would serve as substantial disruption to the purpose that we serve.

**NOW, THEREFORE, BE IT RESOLVED**, the Antrim County Board of Commissioners are opposed to the Trial Court Funding Commission Interim Report dated April 8, 2019. We believe that it is imperative to maintain local control and accountability because that is how our constituents are best served. We strongly oppose this Interim Report and possible pending legislation and encourage the other 82 Michigan counties to join us.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to Governor Gretchen Whitmer, Senator Wayne Schmidt, Representative Triston Cole, the Michigan Association of Counties and the other 82 Michigan Counties.

Yes – David Heeres, Joshua Watrous, Karen Bargy, Ed Boettcher, Brenda Ricksgers,  
Dawn LaVanway, Jason Helwig, Christian Marcus;

No- None;

Absent – None.

**RESOLUTION #21-2019 DECLARED ADOPTED.**

ANTRIM COUNTY CLERK, BELLAIRE, MI  
STATE OF MICHIGAN, COUNTY OF ANTRIM, ss  
I, Sheryl A. Guy, Clerk of the County of Antrim, do  
certify the above is a true and exact copy of the  
original record now remaining in this office.

IN TESTIMONY WHEREOF, I have set my hand  
and official seal of the County of Antrim

this 26<sup>th</sup> day of August, 20 19  
Sheryl A. Guy County Clerk



## BOARD OF COMMISSIONERS

County Building  
P.O. Box 70, Room 131  
Cheboygan, Michigan 49721

Tel ~ (231) 627-8855  
Fax ~ (231) 627-8881  
E-mail ~ [ccao@cheboygancounty.net](mailto:ccao@cheboygancounty.net)

### Resolution 19-13

#### CHEBOYGAN COUNTY RESOLUTION IN SUPPORT OF LINE 5 TUNNEL

**WHEREAS**, Enbridge's Line 5 has been operating safely and reliably in Straits of Mackinac for more than 66 years; and

**WHEREAS**, Enbridge's Line 5, a light crude and natural gas liquids pipeline, helps to safely meet Michigan's energy needs by fulfilling more than half of the propane needs of the state; and

**WHEREAS**, the products delivered to regional refineries provide jobs and ultimately fuel our lives; and

**WHEREAS**, multiple and extensive inspections and safety tests over the last several years have confirmed the integrity of Line 5 at the Straits of Mackinac as fit for service.

**WHEREAS**, Consequences to energy supply, local producers, regional airports and refineries, jobs, local economies and the pocketbook of Michiganders across the entire state are too great for Line 5 to be shut down before the tunnel replacement can be completed.

**WHEREAS**, Issues have been raised by several concerned parties regarding the possibility and impact of a breach of Line 5 into the Straits of Mackinac. These concerns have resulted in the State of Michigan and Enbridge negotiating an "agreement" for a 5 year \$500 million project, to construct a tunnel 100 feet below bedrock to encase Line 5, the entire length of the Straits, in one-foot-thick concrete walls in order to mitigate chances of any leaks of product into the Great Lakes.

**WHEREAS**, the recently elected Michigan Attorney General, Dana Nessel has subsequently opposed the negotiated "agreement" and filed a law-suit in Ingham County Circuit Court to close down Line 5 immediately effectively canceling all efforts to begin construction of the tunnel; and

**WHEREAS**, this action may very well provide unintended consequences for all parties as the litigation to close down Line 5 may take years to be resolved in the courts with no assurance of the outcome and;

**WHEREAS**, the time to resolve the litigation may simply result in the delay of the start of the construction of the tunnel thereby leaving the existing Line 5 in place unnecessarily for several additional years.

**WHEREAS**, Enbridge has demonstrated a willingness to work with the state to both protect the Great Lakes and ensure the continued safe delivery of energy we all rely on.

District 1  
Mary Ellen Tryban

District 2  
Richard B. Sangster  
Vice-Chairman

District 3  
Michael Newman

District 4  
Cal Gouine

District 5  
Roberta Matelski

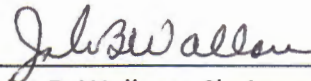
District 6  
John B. Wallace  
Chair

District 7  
Steve Warfield



**NOW, THEREFORE, BE IT RESOLVED** that the Cheboygan County Board of Commissioners hereby joins with other Michigan Counties in extending its support for Enbridge's proposed tunnel replacement project and urges the State of Michigan to work with Enbridge to complete the tunnel project as quickly as possible and not disrupt Line 5 service before the tunnel can be completed.

**AND, BE IT FURTHER RESOLVED** that Cheboygan County sends this resolution to all counties of Michigan as an invitation to join in expressing support for increasing the safety of our current energy infrastructure as our society simultaneously seeks energy efficiencies and energy alternatives that will continue to reduce negative impacts and risks to our environment.



John B. Wallace, Chairperson  
Cheboygan County Board

I, Karen L. Brewster, Clerk of the County of Cheboygan, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Commissioners at a regular meeting on August 27, 2019.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of the County of Cheboygan on the 27th day of August 2019 at Cheboygan, Michigan.



Karen L. Brewster  
Cheboygan County Clerk/Register

**RESOLUTION TO REQUEST WAIVER OF HEALTH AND REHABILITATION  
SERVICES MEDICAID AUDIT TAKEBACK**

**AUGUST 21, 2019**

**Introduced by the Health and Human Services Committee**

Commissioner Pearl-Wright moved for the approval of the following resolution. Seconded by Commissioner Haskell.

WHEREAS, Eaton County Health and Rehabilitation Services (ECHRS) has received citations and fines from the Department of Licensing and Regulatory Affairs Licensing Division related to failure to provide frequent and adequate monitoring for residents with specific behaviors (i.e. repeat falls and improper touching of others) and medical conditions; and

WHEREAS, long-term care regulations require ECHRS provide all necessary services to its residents; and

WHEREAS, to comply with these regulations and in response to these prior citations ECHRS created the Safety Sitter Program; and

WHEREAS, this program provides one-to-one oversight for residents that have been assessed and identified as needing close monitoring because of their medical conditions and behaviors; and

WHEREAS, the need for additional oversight and care for this specific vulnerable population is essential in order to prevent falls, elopements, abuse of other residents, hospital readmissions, and reduce healthcare spending overall; and

WHEREAS, The Department of Health and Human Services contends that since one safety sitter is assigned to one resident at a time it would be considered Private Duty staff which Medicaid does not pay for and has removed the safety sitter labor costs from the Medicaid Cost report (FY 13,14,15,16), as it would be considered an unallowable cost; and

WHEREAS, ECHRS received reimbursement for these expenses and would have to repay \$191,548 to the Department.

NOW, THEREFORE BE IT RESOLVED, that the Eaton County Board of Commissioners requests the Department of Health and Human Services to change its administrative interpretation of the regulations to allow for the reimbursement of its Safety Sitter Program for it to adequately meet its long-term care requirements; and



BE IT FURTHER RESOLVED, that reimbursement of the costs determined to be ineligible for FY 13,14,15,16 be waived; and

BE IT FURTHER RESOLVED, that copies of this resolution be provided to Governor Gretchen Whitmer, Senator Thomas Barrett, Representative Angela Witwer, Representative Sarah Lightner, Michigan Department of Health and Human Services Director Robert Gordon, Michigan Department of Licensing and Regulatory Affairs Director Orlene Hawks, the Michigan Association of Counties, the Michigan Association of County Medical Care Facilities and the other 82 Michigan counties. Carried.

COUNTY OF EATON )  
STATE OF MICHIGAN ) SS  
I, Diana Bosworth, Clerk of the Eaton County Board of Commissioners do  
hereby certify that the foregoing is a true and correct copy of a resolution  
adopted by the Board at its meeting held on August 21, 2019  
and is on file in the Eaton County Clerk's office. J

Dated: August 27, 2019  
[Signature]  
Deputy Clerk



1. The Board of Directors shall have the authority to

2. The Board of Directors shall have the authority to

## RESOLUTION

To: The Honorable Board of Commissioners  
Huron County  
Michigan

WE, the LEGISLATIVE COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:

WHEREAS, the County Clerks in Michigan have a constitutional stake in the trial court funding question, but were excluded from participation in the Trial Court Funding Commission. The County Clerks have a unique relationship with the courts and a perspective that should be heard when making recommendations for substantial changes; and

WHEREAS, the goal of Public Act 65 of 2017 was to create a Trial Court Funding Commission to “review and recommend changes to the trial court funding system in light of *People v. Cunningham*”; and

WHEREAS, the vast majority of the Interim Report deals with the consolidation of all local court staff and operations under state control, but does not solve the funding problems that *Cunningham* created (simply moving collections of fines and costs and payment of court salaries/benefits to the state does not mitigate the fact that we will still not be funded adequately); and

WHEREAS, centralized control of our court process does not necessarily serve the best interest of the public. The County Clerks believe that local judges and citizens are better served by local custodial control. It has been proven to be a more responsive method of serving their needs; and

WHEREAS, research of other state-funded court systems has shown that state funding creates a culture of complacency that tolerates delay. Accountability is removed from the local level and placed in the hands of bureaucrats in state government who are less connected to the people; and

WHEREAS, we are concerned that transferring funding to state control would tether the judicial branch to the short term whims of the legislative and executive branches even more than they exist already. In the event of a lack of state funding (government shutdown) this process would also force the shutdown of the court system, resulting in constitutional violation of due process; and

WHEREAS, it is critical to note that the finding of 46th Circuit Trial Court v. County of Crawford, 2006:143 states directly: “In order for the judicial branch to carry out its constitutional responsibilities as envisioned by the Constitution of 1963, art3, SS 2, the judiciary cannot be totally beholden to legislative determinations regarding its budgets.” and;

WHEREAS, this Interim Report recommends altering the Michigan Constitution to provide that circuit court clerks are employed by the court and under the supervision of state government rather than the County Clerk; and


WHEREAS, County Clerks serve a critical role in the judicial system. They are constitutionally mandated to ensure the integrity of the records and protecting the best interests of our citizens. Removing County Clerks from the picture would serve as substantial disruption to the purpose that we serve; now


THEREFORE, BE IT RESOLVED the Huron County Board of Commissioners are opposed to the Trial Court Funding Commission Interim Report dated April 8, 2019. We believe that it is imperative to maintain local control and accountability because that is how our constituents are best served. We strongly oppose this Interim Report and possible pending legislation and encourage the other 82 Michigan counties to join us; and


BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Governor Gretchen Whitmer, Senator Dan Lauwers, Representative Phil Green, the Michigan Association of Counties and the other 82 Michigan Counties.

Respectfully submitted,

LEGISLATIVE COMMITTEE

  
Mary E. Babcock, Chairman

  
Ron Wruble, Vice Chairman

  
Todd Talaski, Member

Dated: August 13, 2019

VOICE / ROLL CALL VOTE:

COMMISSIONER	YES	NO	ABSENT	COMMISSIONER	YES	NO	ABSENT
SAMI KHOURY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JOHN L. BODIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MICHAEL H. MEISSNER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RON WRUBLE	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
TODD TALASKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MARY E. BABCOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STEVE VAUGHAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

RESOLUTION: ☒ ADOPTED

☐ DEFEATED

☐ TABLED

**RESOLUTION**

To: The Honorable Board of Commissioners  
Huron County  
Michigan

WE, the SAFETY COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:

WHEREAS, the Huron County Board of Commission having entered into an enabling resolution to create the Huron County Community Mental Health Authority pursuant to Section 100 et seq. and Section 205 of the Mental Health Code, 1974 PA 258, as amended (MCL330.1100 et seq; MCL330.1205); and

WHEREAS, Huron County Community Mental Health Authority is a community mental health authority of the county of Huron, organized under the terms of Section 204(a) of the Michigan Mental Health Code (the Code), (MCL330.1204[a]); and

WHEREAS, Section 116(b) of the Code (MCL330.1116[b]) requires that the Department of Community Health shift primary responsibility for the direct delivery of public mental health services from the state to a community mental health services program whenever the community mental health services program has demonstrated a willingness and capacity to provide an adequate and appropriate system of mental health services for the citizens of that service area; and

WHEREAS, Huron County Community Mental Health Authority has demonstrated such willingness and capacity to provide community mental health services for over the past 40 years and is properly certified as a community mental health services program under the terms of Section 232(a) of the Code (MCL330.1232[a]); and

WHEREAS, Section 202(1) of the Code (MCL330.1202[1]) requires that the state shall financially support, in accordance with chapter 3, community mental health services programs that have been established and that are administered according to the provisions of this chapter; and

WHEREAS, there are also established in the state entities known as Prepaid Inpatient Health Plans (PIHPs), which receive Medicaid funds and distribute them to Community Mental Health Services Programs and other Medicaid providers; and

WHEREAS, Appropriations Bill Public Act 207 of 2018, Article X, Part 2 Provisions Concerning Appropriations, General Sections, Behavioral Health Services, Section 928 (1) states, "Each PIHP shall provide, from internal resources, local funds to be used as a bona fide part of the state match required under the Medicaid program in order to increase capitation rates for PIHPs. These funds shall not include either state funds received by a CMHSP for services provided to non-Medicaid recipients or the state matching portion of the Medicaid capitation payments made to a PIHP."; and;

WHEREAS, Huron County Community Mental Health is not a state designated PIHP; and

WHEREAS, the county of Huron has a strong desire to keep local funding at the local level to meet the financial liability of the county pursuant to Section 302(1) of the Code (MCL330.1301[1]) and to respond to the behavioral health needs in this county; now

THEREFORE, BE IT RESOLVED that the Huron County Board of Commissioners strongly supports the withholding of local Huron County funding from the PIHP for the purposes of increasing the



Medicaid capitation rate of the PIHP and strongly supports the use of local county funds for local community mental health services as provided for under the Michigan Constitution and Michigan Mental Health Code; and

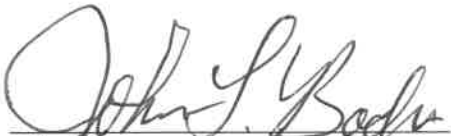
BE IT FURTHER RESOLVED, that the Huron County Board of Commissioners strongly urges its State Senate and House of Representatives members to eliminate similar language mentioned above in future State funding appropriations; and

BE IT FURTHER RESOLVED, that the State Senate and House of Representatives ensure that the current level of Medicaid funding is not negatively impacted by the removal of Section 928; and

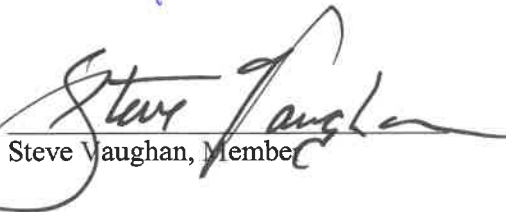
BE IT FURTHER RESOLVED that copies of this resolution be provided to Governor Gretchen Whitmer, Senator Dan Lauwers (25<sup>th</sup> District), Representative Phil Green (84<sup>th</sup> District), Michigan Department of Health and Human Services Director Robert Gordon, Behavioral Health and Developmental Disabilities Administration Deputy Director Dr. George Mellos, and the Michigan Association of Counties.

Respectfully submitted,

#### SAFETY COMMITTEE

  
John L. Bodis, Chairman

  
Michael H. Meissner, Vice Chairman

  
Steve Vaughan, Member

Dated: August 13, 2019

#### VOICE / ROLL CALL VOTE:

COMMISSIONER	YES	NO	ABSENT	COMMISSIONER	YES	NO	ABSENT
SAMI KHOURY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JOHN L. BODIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MICHAEL H. MEISSNER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RON WRUBLE	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
TODD TALASKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MARY E. BABCOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STEVE VAUGHAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

RESOLUTION: ☒ ADOPTED

☐ DEFEATED

☐ TABLED

## Advocacy to Support Removal of Section 928 from State Budget

- Boilerplate language added in 2003 requiring the CMHSPs to forward local funds to the state of Michigan for the purpose to “draw down” additional federal Medicaid funds. Known as “draw-down match”.
  - Statewide = \$25.2 million in local match dollars obtained from 46 CMHSPs
  - Yields = \$47 million in additional Medicaid dollars
- This local draw-down is an additional requirement and is different from the required county “match” included in the Michigan Mental Health Code since 1974. The existing CMHSPs are already meeting the county “match” obligation required by state law.
- The federal government considers this additional local draw down “match” to be voluntary on the part of the CMHSPs.
- Many Legislators are in support of eliminating the “draw down match” from the Budget language. Counties currently supporting a resolution to remove the requirement are:
  - Antrim, Arenac, Bay, Benzie, Cheboygan, Charlevoix, Clinton, Eaton, Emmet, Gratiot, Ingham, Iosco, Kalamazoo, Manistee, Ogemaw, Oscoda, Otsego and Shiawassee
  - Counties pending a resolution of support: Oakland and Wexford.
  - Counties also in process: Crawford, Grand Traverse, Leelanau, Missaukee, and Roscommon
- Questions raised:
  - Removing this language will result in a funding cut to the CMHSPs.
    - Not true. Medicaid rates/payments are certified/established by an actuary and cannot be reduced or cut capriciously.
  - State would need an additional \$25 million in General Funds to replace the \$25 million in local match/draw-down dollars.
    - Also not true. Currently the PIHPs and health care providers are paying the ICA (Insurance Provider Assessment) Tax. (IPA replaced the HICA tax in October.) The state has resources that could be directed to cover this \$25 million.
- Huron Behavioral Health information:
  - **County of Huron annual base allocation to HBH = \$193,250**
  - Huron Behavioral Health = required “draw-down match” = \$168,800
    - Note: Huron does not receive any specific, additional Medicaid allocation above the actuarially established Per Medicaid Enrollee Per Month (PEPM) rate as a result of the local “match” draw down.
  - Net county allocation remaining for local needs = \$24,450
    - Local funds are required to be used to pay 10% match for State Hospitalization and for 10% match for General Fund services.
    - HBH = FY18 10% Local match total = \$92,124
      - Breakdown = State Hospitalizations: \$51,815 and GF services: \$40,309
  - Insurance Provider Assessment Tax withheld by Mid-State Health Network (MSHN) PIHP
    - HBH’s FY19 funds withheld by MSHN for estimated IPA tax = \$93,643
  - **IPA tax + “draw down match” for FY 19 for HBH = \$262,440**
    - Money comes from HBH operating funds for tax and drawdown & not available for services

# Iosco County Board of Commissioners

COURT HOUSE  
Tawas City, Michigan 48763

## RESOLUTION

### TRIAL COURT FUNDING COMMISSION INTERIM REPORT

DATE: August 21, 2019

**WHEREAS**, the County Clerks in Michigan have a constitutional stake in the trial court funding question, but were excluded from participation in the Trial Court Funding Commission. The County Clerks have a unique relationship with the courts and a perspective that should be heard when making recommendations for substantial changes.

**WHEREAS**, the goal of Public Act 65 of 2017 was to create a Trial Court Funding Commission to "review and recommend changes to the trial court funding system in light of *People v. Cunningham*".

**WHEREAS**, the vast majority of the Interim Report deals with the consolidation of all local court staff and operations under state control but does not solve the funding problems that *Cunningham* created (simply moving collections of fines and costs and payment of court salaries/benefits to the state does not mitigate the fact that we will still not be funded adequately).

**WHEREAS**, centralized control of our court process does not necessarily serve the best interest of the public. The County Clerks believe that local judges and citizens are better served by local custodial control. It has been proven to be a more responsive method of serving their needs.

**WHEREAS**, research of other state-funded court systems has shown that state funding creates a culture of complacency that tolerates delay. Accountability is removed from the local level and placed in the hands of bureaucrats in state government who are less connected to the people.

**WHEREAS**, we are concerned that transferring funding to state control would tether the judicial branch to the short term whims of the legislative and executive branches even more than they exist already. In the event of a lack of state funding (government shutdown) this process would also force the shutdown of the court system, resulting in constitutional violation of due process.

**WHEREAS**, it is critical to note that the finding of 46th Circuit Trial Court v. County of Crawford, 2006:143 states directly: "In order for the judicial branch to carry out its constitutional responsibilities as envisioned by the Constitution of 1963, art3, SS 2, the Judiciary cannot be totally beholden to legislative determinations regarding its budgets."

**WHEREAS**, this Interim Report recommends altering the Michigan Constitution to provide that circuit court clerks are employed by the court and under the supervision of state government rather than the County Clerk.

**WHEREAS**, County Clerks serve a critical role in the judicial system. They are constitutionally mandated to ensure the integrity of the records and protecting the best interests of our citizens. Removing County Clerks from the picture would serve as substantial disruption to the purpose that we serve.

**NOW, THEREFORE, BE IT RESOLVED**, the Iosco County Board of Commissioners are opposed to the Trial Court Funding Commission Interim Report dated April 8, 2019. We believe that it is imperative to maintain local control and accountability because that is how our constituents are best served. We strongly oppose this Interim Report and possible pending legislation and encourage the other 82 Michigan counties to join us.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to Governor Gretchen Whitmer, Senator Stamas, Representative Kilde, the Michigan Association of Counties and the other 82 Michigan Counties.

Move:

D. Jay O'Farrell

Support:

Re. Deeth

Roll Call: Ayes 5

Nays 0

Absent 0



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**Resolution Opposing Legislation to Prevent County Commissioner Candidates  
from Disclosing Their Party Affiliation on Ballots Provided to Michigan - Voters  
Board of Commissioners**

**WHEREAS,** Executive Director of the Michigan Association of Counties (MAC), of which Marquette County is a dues paying member, stated MAC is considering supporting a change to Michigan election law; and

**WHEREAS,** this change in Michigan law would force candidates for the office of County Commissioner to run as a “non-partisan” candidate and would prohibit said candidates from disclosing their party affiliation on ballots provided to Michigan voters; and

**WHEREAS,** preventing disclosure of a candidate’s party affiliation needlessly restricts and censors information that Michigan voters have traditionally relied upon to help them select a candidate who shares their values; and

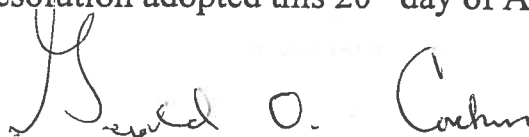
**WHEREAS,** the proposed change to Michigan election law is not needed as current Michigan law already permits County Commission candidates to withhold information about their party affiliation from being print on ballots provided to Michigan voters; and

**WHEREAS,** under the current law, Commissioner Candidates are able to run for office without being affiliated with a political party and disclosing their affiliation, by running as an independent candidate.

**THEREFORE, BE IT RESOLVED** that the Marquette County Board of Commissioners hereby support providing Michigan voters with full information about their candidates for County Commissioner, and hereby oppose forcing a candidate for County Commissioner to run as a “non-partisan” candidate.

**BE IT FURTHER RESOLVED** that the Marquette County Board of Commissioners hereby request copies of this resolution be sent to State Senator Ed McBroom, State Representative Sara Cambensy, State Representative Gregory Markkanen, the Michigan Association of Counties, and all Michigan Counties, within two weeks of the passage of this resolution.

Resolution adopted this 20<sup>th</sup> day of August 2019



\_\_\_\_\_  
Gerald O. Corkin, Chairperson  
Marquette County Board of Commissioners

AUG 26 2019

# LIVINGSTON COUNTY BOARD OF COMMISSIONERS

## MEETING MINUTES

August 21, 2019

IMMEDIATELY FOLLOWING THE FINANCE COMMITTEE

304 E. Grand River, Board Chambers, Howell MI 48843

Members Present	Dennis Dolan, Kate Lawrence, William Green, Wes Nakagiri, Douglas Helzerman, Robert Bezotte, Carol Griffith, and Gary Childs
Absent	Donald Parker

### 1. CALL MEETING TO ORDER

The meeting was called to order by Vice Chairperson D. Dolan at 9:20 a.m.

### 2. PLEDGE OF ALLEGIANCE TO THE FLAG

All rose for the Pledge of Allegiance to the Flag of the United States of America.

### 3. ROLL CALL

Indicated the presence of a quorum.

### 4. CALL TO THE PUBLIC

John Conely, Brighton, spoke regarding property values and assessing.

### 5. APPROVAL OF AGENDA

Motion to approve the Agenda as presented.

**Moved By** K. Lawrence

**Seconded By** R. Bezotte

**Motion Carried (8-0-1)**

### 6. FINANCE COMMITTEE RECOMMENDATION FOR APPROVAL OF CLAIMS

Dated: August 21, 2019

Motion to approve the Claims.

**Moved By** K. Lawrence

**Seconded By** R. Bezotte

**Motion Carried (8-0-1)**

### 7. FINANCE COMMITTEE RECOMMENDATION FOR APPROVAL OF PAYABLES

Dated: August 8 through August 21, 2019

Motion to approve the Payables.

**Moved By** R. Bezotte

**Seconded By** K. Lawrence

**Motion Carried (8-0-1)**

### 8. CALL TO THE PUBLIC

None.

**9. ADJOURNMENT**

Motion to adjourn the meeting at 9:24 a.m.

**Moved By** C. Griffith

**Seconded By** K. Lawrence

**Motion Carried (8-0-1)**

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Elizabeth Hundley, Livingston County Clerk

## LIVINGSTON COUNTY BOARD OF COMMISSIONERS

### MEETING MINUTES

August 26, 2019, 7:30 p.m.

304 E. Grand River, Board Chambers, Howell MI 48843

Members Present: Donald Parker, Dennis Dolan, Kate Lawrence, William Green, Wes Nakagiri, Douglas Helzerman, Robert Bezotte, Carol Griffith, and Gary Childs

#### 1. CALL MEETING TO ORDER

The meeting was called to order by Chairperson Donald Parker at 7:30 p.m.

#### 2. PLEDGE OF ALLEGIANCE TO THE FLAG

All rose for the Pledge of Allegiance.

#### 3. ROLL CALL

Roll call by the County Clerk indicated the presence of a quorum.

#### 4. CORRESPONDENCE

None.

#### 5. CALL TO THE PUBLIC

The following addressed the Board regarding Resolution 2019-08-121:

Ted Westmeier, Marion Township; Judy Daubenmier, Genoa Township; Dan Luria, Hamburg Township;; Marie Joppich, Pinckney; Dave Roddy, Fowlerville; Kate Derosier, Hartland; Jim Pratt, Oceola Township; Diane Link, Green Oak Township; Janet DeFloreo, Oceola Township; Paula Green, Brighton; Joyce Secord, Green Oak Township; Paula Blankenship, Howell Township; Lauren Law, Webberville; Judith Minton, Howell Township; L. Pasternak, Brighton; Jordan Genso, Brighton; Mike Tipton, Howell Township; Kathleen Kline-Hudson, City of Howell; Kellie Prokuda, Howell; Sharon Lollio, Howell; Patrick T., Marion Township; Meghan Reckling, Handy Township; Connie Robinson, Hartland; Joe Riker, Brighton Township; Dan Wholihan, Genoa Township; Casey Helton, Marion Township; Timothy Kandow, Marion Township; Caleb Jenkins, Conway Township; Dan Schifko, Brighton Township; Brenda Plank, Green Oak Township; Frank, Marion Township; Marcia Dicks, Tyrone Township; Tracy, Lakeland; Lori Cowan, Unadilla Township; Bill Haskle, Green Oak Township; Sue Kelly, Brighton Township; Nancy Sauvage, Howell; Janet Jasenak, City of Brighton; Sherry, Marion Township; Denise Putnam, Brighton Township; Elizabeth Sutton, Howell City; Kathy White, Brighton Township; Chris Folts, Hamburg Township; Karen Rottinghaus, Genoa Township; Max Manning, Howell; Emily Hasermach, Brighton; Chris Moyer, Genoa Township; Jay Drick, Howell City; Dave Domas, Tyrone Township; and Kathleen Carney, Green Oak Township.

#### 6. APPROVAL OF MINUTES

a. Minutes of Meeting Dated: August 12, 2019

b. Minutes of Meeting Dated: August 21, 2019

Motion to approve the minutes as presented.

It was moved by C. Griffith

Seconded by K. Lawrence

**MOTION Carried (9-0-0)**

#### 7. TABLED ITEMS FROM PREVIOUS MEETINGS

None.



**8. APPROVAL OF AGENDA**

Motion to approve the Agenda as presented.

It was moved by K. Lawrence

Seconded by G. Childs

**MOTION Carried (9-0-0)**

**9. REPORTS**

None.

**10. APPROVAL OF CONSENT AGENDA ITEMS**

Resolutions 2019-08-116 through 2019-08-120

Motion to approve the resolutions on the Consent Agenda.

Commissioner Nakagiri requested the removal of Resolution 2019-08-116, Resolution Authorizing a Contract Award to LACASA for Court Appointed Special Advocate (CASA) Services for the Juvenile Court, Livingston County Trial Courts – Juvenile Court, from the Consent Agenda and placing said resolution in the Resolutions for Consideration as 11a.

Motion to approve the remaining resolutions on the Consent Agenda.

It was moved by C. Griffith

Seconded by W. Green

Roll Call Vote: Yes (9): C. Griffith, G. Childs, D. Parker, D. Dolan, K. Lawrence, W. Green, W. Nakagiri, D. Helzerman, and R. Bezotte; No (0): None; Absent (0): None.

**MOTION Carried (9-0-0)**

**10.b 2019-08-117**

Resolution Authorizing the Juvenile Court, Livingston County Trial Courts, to Apply for the Michigan Department of Health and Human Services, Michigan Committee on Juvenile Justice's Racial and Ethnic Disparities Data Collection Grant – Juvenile Court

**10.c 2019-08-118**

Resolution Authorizing the Upgrade of the IVR System and Purchase of SelectTXT Module from Selectron Technologies - Building Inspection

**10.d 2019-08-119**

Resolution Authorizing the Sheriff's Office and the County of Livingston to Apply for and Enter Into Contract with the State of Michigan, Office of Highway Safety Planning for Fiscal Year 2020 Secondary Road Patrol and Traffic Accident Prevention Program Grant - Sheriff

**10.e 2019-08-120**

Resolution Authorizing the Sheriff's Office and the County of Livingston to Apply for FY 2020 Byrne Justice Assistance Grant - Sheriff

**11. RESOLUTIONS FOR CONSIDERATION**

Resolutions 2019-08-116 and 2019-08-121 through 2019-08-124

**11.a 2019-08-116**

Resolution Authorizing a Contract Award to LACASA for Court Appointed Special Advocate (CASA) Services for the Juvenile Court, Livingston County Trial Courts – Juvenile Court

Motion to adopt the Resolution.

It was moved by K. Lawrence

Seconded by G. Childs

Discussion

Motion to amend the Resolution to remove language “with perpetual annual renewals” and replace with “up to three (3) annual renewals”.

It was moved by W. Nakagiri

Seconded by D. Helzerman

Roll Call Vote: Yes (9): W. Nakagiri, D. Helzerman, R. Bezotte, C. Griffith, G. Childs, D. Parker, D. Dolan, K. Lawrence, and W. Green; No (0): None; Absent (0): None.

**MOTION Carried (9-0-0)**

Motion to adopt the Resolution as amended.

It was moved by C. Griffith

Seconded by K. Lawrence

**MOTION Carried (9-0-0)**

**11.b 2019-08-121**

Resolution Terminating Taxpayer Funding of Elective Abortion Coverage in Livingston County’s Employee Health Insurance Plans - Board of Commissioners

Motion to adopt the Resolution.

It was moved by W. Nakagiri

Seconded by R. Bezotte

Discussion

Motion to amend the Resolution as presented to include the redlined changes presented by Commissioner Nakagiri and the additional change of the word principals to principles.

It was moved by W. Nakagiri

Seconded by R. Bezotte

Discussion

Roll Call Vote: Yes (9): C. Griffith, G. Childs, D. Parker, D. Dolan, K. Lawrence, W. Green, W. Nakagiri, D. Helzerman, and R. Bezotte; No (0): None; Absent (0): None.

**MOTION Carried (9-0-0)**

Motion to adopt the Resolution as amended.

It was moved by W. Nakagiri

Seconded by R. Bezotte

Roll Call Vote: Yes (7): C. Griffith, D. Parker, K. Lawrence, W. Green, W. Nakagiri, D. Helzerman, and R. Bezotte; No (2): G. Childs and D. Dolan; Absent (0): None.

**MOTION Carried (7-2-0)**

**11.c 2019-08-122**

Resolution Appointing the Livingston County Public Defender - Board of Commissioners

Motion to adopt the Resolution.

It was moved by C. Griffith

Seconded by G. Childs

Discussion

Ken Hinton introduced Karen E. Groenhout to the Board.

**MOTION Carried (9-0-0)**

**11.d 2019-08-123**

Resolution Approving Appointments to the Livingston County Planning Commission - Board of Commissioners

Motion to adopt the Resolution.

It was moved by C. Griffith  
Seconded by K. Lawrence

**MOTION Carried (9-0-0)**

**11.e 2019-08-124**

Resolution Approving Appointments to the Substance Use Disorder Oversight Policy Board - Board of Commissioners

Motion to adopt the Resolution.

It was moved by D. Dolan  
Seconded by R. Bezotte

**MOTION Carried (9-0-0)**

**12. CALL TO THE PUBLIC**

The following addressed the Board regarding Resolution 2019-08-121.

Ted Westmeier, Marion Township; Mike Tipton, Howell Township; Sue Kelly, Brighton Township; Kathy Ogorek, Genoa Township; Dave Roddy, Handy Township; Judith Minton, Howell Township; L. Pasternak, Brighton; Paula Green, City of Brighton; Karen Pierce, Hamburg Township; Jordan Genso, Brighton City; Paula Sader; Judy Daubenmier, Genoa Township; and Dan Wholihan, Genoa Township.

**13. ADJOURNMENT**

Motion to adjourn the meeting at 10:09 p.m.

It was moved by D. Helzerman  
Seconded by C. Griffith

**MOTION Carried (9-0-0)**

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Elizabeth Hundley, Livingston County Clerk

RESOLUTION

NO: 2019-09-125

LIVINGSTON COUNTY

DATE: September 16, 2019

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**Resolution Authorizing a Budget Amendment for Carryover of Substance Abuse and Mental Health Services Administration Grant Funds for Adult Drug Court to the Fiscal Year 2019 Budget – Court Central Services**

**WHEREAS,** the Livingston County Adult Drug Court has received a carryover from Fiscal Year 2018 of unexpended funds in the amount of \$149,628 from Substance Abuse and Mental Health Services Administration; and

**WHEREAS,** for the remainder of Fiscal Year 2019, \$37,407 will be utilized for staffing, treatment, drug and alcohol testing, training, and other program related expenses necessary to operate Livingston County Adult Drug Treatment Court with the remaining \$112,221 to be utilized in Fiscal Year 2020; and

**WHEREAS,** the Finance Committee of the Livingston County Board of Commissioners has previously reviewed and approved the application for the Substance Abuse and Mental Health Services Administration grant, through Resolution #2016-11-189.

**THEREFORE BE IT RESOLVED,** that the Livingston County Board of Commissioners authorizes a budget amendment to the Fiscal Year 2019 Budget for an additional \$37,407 to allow for use of carryover funds.

ORG	CURRENT SAMHSA BUDGET	INCREASE	PROPOSED AMENDED BUDGET
23816800	\$ 354,991.00	\$37,407.00	\$ 392,398.00

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

RESOLUTION

NO: 2019-09-126

LIVINGSTON COUNTY

DATE: September 16, 2019

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**Resolution Authorizing the 2020 Memorandum of Understanding on Cash Match Funding for Behavioral Health Managed Care Services – Juvenile Court**

**WHEREAS,** the Livingston County Community Mental Authority, Livingston County Health Department, Livingston County Trial Courts – Juvenile Unit, Community Mental Health Partnership of Southeast Michigan, Livingston Educational Service Agency and the Department of Health and Human Services have agreed to enter into a local collaborative venture to provide comprehensive behavioral health managed care services for children who are residents of Livingston County and who meet the enrollment criteria for said services; and

**WHEREAS,** this joint pooling of resources is a recognized approach to funding programs to meet community identified needs that would otherwise not be possible on an individual agency basis; and

**WHEREAS,** the parties in conjunction with the Livingston County Human Services Collaborative Body have a proven track record in the delivery of integrated human services through community-wide collaborative projects; and

**WHEREAS,** the Court’s portion of the funding is available through the Child Care Fund budget; and

**WHEREAS,** the Finance Committee of the Livingston County Board of Commissioners has reviewed and recommended approval of the Memorandum of Understanding of Cash Match funding for Behavioral Health Managed Care Services.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby authorize entering into a Memorandum of Understanding with the Livingston County Community Mental Health Service Board for the delivery of behavioral health services at a total cost to Livingston County of \$248,000 for the period of October 1, 2019 through September 30, 2020, one-half of which is eligible for reimbursement by the State of Michigan Child Care Fund. In addition, Community Mental Health Partnership of Southeast Michigan Substance Abuse Coordinating Agency funds of \$40,000 and \$5,000 from the Livingston County Health Department are being donated to the Child Care Fund for the Wraparound program.

**BE IT FURTHER RESOLVED** that match funding be taken from the following accounts after October 1, 2019, as billed by Livingston County Community Mental Health and after entry of said resolution:

<b>Fund No.</b>	<b>Name</b>	<b>Match Funding</b>
#292-662	Livingston County Child Care Fund 2019/2020 (Juvenile Court / 44 <sup>th</sup> Circuit Court)	\$208,000
#292-663	Livingston County Child Care Fund 2019/2020 (Department of Health and Human Services Subaccount)	\$40,000
	<b>Total Funds</b>	<b>\$248,000</b>

**BE IT FURTHER RESOLVED** that the Chairman of the Livingston County Board of Commissioners is authorized to sign all forms, assurances, contracts/agreements, renewals and future amendments for monetary and contract language adjustments related to the above upon review and/or preparation of Civil Counsel.

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



## Memorandum

**To: Livingston County Board of Commissioners**

**From: Deborah Shaw, Juvenile & Probate Court Administrator**

**Date: 09/16/2019**

**Re: Resolution Authorizing the 2020 Memorandum of Understanding  
on Cash Matching Funding for Behavioral Health Managed Care  
Service - Wraparound**

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The attached resolution authorizes the Memorandum of Understanding and Cash Matching Funding for Behavioral Health Managed Care Services, specifically the Wraparound Program.

Wraparound is a collaboration with Livingston County Community Mental Authority, Livingston County Health Department, Livingston County Trial Courts – Juvenile Unit, Community Mental Health Partnership of Southeast Michigan, Livingston Educational Service Agency and the Department of Health and Human Services resulting in a pooling of resources to fund Wraparound. It would not be possible to fund Wraparound through individual agencies and it is only through this collaboration that this service is available to families in our community.

The fiscal year 2020 program cost is \$248,000, half of which will be reimbursed by the Child Care Fund. The Community Mental Health Partnership of Southeast Michigan Substance Abuse Coordinating Agency will contribute \$40,000 and the Health Department will contribute \$5,000 to offset the Court's contribution.

If you have any questions regarding this matter please contact me. Thank you for your consideration and continued support of the Livingston County Courts.



RESOLUTION

NO: 2019-09-127

LIVINGSTON COUNTY

DATE: September 16, 2019

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**Resolution Authorizing Sub-recipient Agreement for Transportation Services between Livingston County (LETS) and People's Express of Whitmore Lake - LETS**

**WHEREAS,** Livingston County, through Livingston Essential Transportation Service (LETS) provides public transportation services throughout Livingston County; and

**WHEREAS,** LETS is seeking to improve service in the southeastern corner of the County, which has traditionally been difficult to serve because of the distance from LETS headquarters, by entering into an agreement with People's Express of Whitmore Lake to provide additional service in this area; and

**WHEREAS,** Livingston County receives state and federal operating assistance from the Michigan Department of Transportation (MDOT) for the purpose of providing public transportation within the non-urbanized portion of the County; and

**WHEREAS,** the transportation services provided by People's Express are eligible to receive the operating assistance, but People's Express is not an eligible Act 51 grant recipient; and

**WHEREAS,** LETS desires to pass through Section 5311 rural operating assistance to People's Express in an amount not to exceed \$56,000 to provide service in the southeastern portion of the County consistent with the terms and conditions set forth in the agreement; and

**WHEREAS,** the agreement term will be one (1) year beginning October 1, 2019 and ending September 30, 2020.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby authorizes a sub-recipient agreement for transportation services between Livingston County and People's Express of Whitmore Lake to pass through Section 5311 rural operating assistance in an amount not to exceed \$56,000 under the terms and conditions set forth therein for a term of one (1) year beginning October 1, 2019 and ending September 30, 2020.

**BE IT FURTHER RESOLVED** that the Board Chair is authorized to sign the agreement and any related documents upon review and approval by Mark Koerner, LETS transit attorney.

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MOVED:  
SECONDED:  
CARRIED:



## Memorandum

**To: Livingston County Board of Commissioners**  
**From: Greg Kellogg, Transportation Director**  
**Date: 08/16/2019**  
**Re: Resolution Authorizing Sub-recipient Agreement for Transportation Services  
between Livingston County (LETS) and People's Express of Whitmore Lake - LETS**

LETS is seeking to improve service in the southeastern corner of the County, which has traditionally been difficult to serve because of the distance from LETS headquarters. We have an opportunity to provide better and more efficient service in this area by entering into a sub-recipient arrangement with People's Express of Whitmore Lake (a division of Northfield Human Services) whereby state and federal rural transportation funds are passed through to People's Express to provide transportation services.

Livingston County receives state and federal operating assistance from the Michigan Department of Transportation (MDOT) to provide public transportation within the non-urbanized portion of the County. The transportation services provided by People's Express are eligible to receive the operating assistance, but People's Express is not an eligible Act 51 grant recipient.

Therefore, LETS is requesting authorization to pass through Section 5311 rural operating assistance to People's Express in an amount not to exceed \$56,000 to provide the additional service. Because this is only a pass through of grant funding no revenues or expenses will be recorded by the County as a result of the agreement. People's Express will report quarterly revenues, expenses, and ridership data for the service to LETS and we will report to MDOT on their behalf. Eligible expenses for the service will determine the amount of funding LETS receives from MDOT to pass through to People's Express.

The services provided by People's Express will not supplant LETS service in this area but rather supplement it. If People's Express cannot accommodate a particular ride request then LETS will attempt to do so through its regular dial-a-ride reservation system. The goal of this agreement is not only to improve service for residents in southeastern Livingston County but also to free up capacity for LETS to better serve other areas of the County.

People's Express is a division of Northfield Human Services and has been operating since 1991. LETS regularly makes referrals to People's Express for rides that we cannot accommodate. This agreement will expand and formalize that relationship and will include an oversight role for LETS. Federal regulations for sub-recipients will require LETS to monitor compliance by People's Express in the categories listed in Appendix A of the agreement. LETS has previously sponsored capital grants for People's Express with the same requirements so we are prepared to perform that role.

The agreement term will be one (1) year beginning October 1, 2019 and ending September 30, 2020 and may be extended by mutual written agreement of both parties.

The proposed agreement is attached. If you have any questions please contact me at x7843.

**SUB-RECIPIENT AGREEMENT BETWEEN  
PEOPLE'S EXPRESS  
AND  
THE LIVINGSTON COUNTY BOARD OF COMMISSIONERS**

This SUB-RECIPIENT AGREEMENT is made between PEOPLE'S EXPRESS, a private, non-profit organization, P.O. Box 505, Whitmore Lake, Michigan 48189 (hereinafter "PEX"), and the COUNTY OF LIVINGSTON ("LIVINGSTON COUNTY"), 304 E. Grand River Ave., Howell, Michigan.

1. Background.

LIVINGSTON COUNTY receives State and Federal operating assistance from the Michigan Department of Transportation ("MDOT") for the purpose of providing public transportation within the nonurbanized portion of Livingston County.

The transit services provided by PEX to low-income individuals, people with disabilities and senior citizens is eligible to receive the operating assistance, but PEX is not an eligible grant recipient. As a result, LIVINGSTON COUNTY desires to pass through to PEX operating assistance on terms consistent with the terms and conditions of the grant agreements between LIVINGSTON COUNTY and MDOT. PEX desires to receive funding on those terms.

Prior to this agreement, PEX has been a subrecipient of MDOT for purposes of compliance with federal and state requirements. Beginning on October 1, 2019, PEX will be a subrecipient of LIVINGSTON COUNTY for non-urban operating assistance. Subrecipients of non-urban operating assistance must meet applicable minimum federal requirements identified in the attached "LIVINGSTON COUNTY §5311 Subrecipient Requirements". During the term of this contract, LIVINGSTON COUNTY will work with PEX to implement procedures for proper oversight by LIVINGSTON COUNTY of the requirements and documentation of compliance.

2. Term.

The term of this Agreement shall be from October 1, 2019 to September 30, 2020, and may be extended by mutual written agreement of the parties.

3. Public Transportation Service.

PEX will utilize the pass-through operating assistance to offer its transportation services to low-income individuals, people with disabilities and senior citizens within the boundary of Livingston County. It is mutually understood that PEX is solely responsible for determining all aspects of the PEX service to be provided including the hours of service, routes, and vehicle scheduling, and for determining all aspects of the quality and safety of operation

without oversight by LIVINGSTON COUNTY or consultation with LIVINGSTON COUNTY, except as required to be an eligible subrecipient for state and federal operating assistance. The subrecipient requirements are included as Appendix A.

4. Monthly and Quarterly Reports.

- 4.1. Financial Reports. PEX agrees to provide quarterly reports of revenues and expenses. Data shall be consistent with definitions in the *Local Public Transit Revenue and Expense Manual* issued annually by MDOT. The reports shall be submitted to LIVINGSTON COUNTY by the twenty-first day of January, April, July and October for the previous three months, and by the fifth day of November for the year ended on September 30<sup>th</sup> (yearend report).
- 4.2. Audits. PEX agrees to provide to LIVINGSTON COUNTY audited financial statements which show the operating expenses eligible for statutory operating assistance as defined in the MDOT Local Public Transit Revenue and Expense Manual. PEX shall submit audited financial statements to LIVINGSTON COUNTY within 180 days of the end of fiscal year each year including PEX's response to any audit findings. An A-133 single audit is not required.
- 4.3. Operating Reports. PEX agrees to provide monthly reports of service hours, vehicle miles, and ridership in a format provided by LIVINGSTON COUNTY. The reports shall be submitted to LIVINGSTON COUNTY by the twenty-first day of the following month, and by the fifth day of November for a summary report of data for the fiscal year.
- 4.4. PEX further agrees to maintain and provide to LIVINGSTON COUNTY such records, and otherwise to conduct its operations in a manner which will enable LIVINGSTON COUNTY to comply with State requirements.

5. Payment.

LIVINGSTON COUNTY will pass through to PEX non-urban operating assistance at the same rate as is received by LIVINGSTON COUNTY from MDOT. The amount is based on the expenses of public transportation service operated by PEX that are eligible for state participation as defined by the current MDOT Local Public Transit Revenue and Expense Manual.

During each year, the amount that MDOT pays to LIVINGSTON COUNTY and other transit operators is based on a percentage of eligible operating expenses. \$100,000 is the amount of eligible nonurban operating expenses for PEX included in the adopted LIVINGSTON COUNTY budget for the subject year. 56.0% is the percentage of non-urban eligible expenses that MDOT has informed LIVINGSTON COUNTY will be paid to begin the subject year, 38.0% from state operating assistance and 18.0% in federal Section 5311 operating assistance. Based on this, the LIVINGSTON COUNTY expects to receive

\$56,000. LIVINGSTON COUNTY will pay PEX one-twelfth of this total amount, \$4,667 each month.

PEX agrees to pay the remainder of said cost from fares and other local sources of funds. In the event that the eligible expenses incurred by PEX are less than budgeted, based on the quarterly reports submitted to LIVINGSTON COUNTY, LIVINGSTON COUNTY may reduce subsequent monthly payments so that the total payment does not exceed the expected amount from the State of Michigan.

All payments by LIVINGSTON COUNTY to PEX are contingent upon payment by the State of Michigan to LIVINGSTON COUNTY under the original grant. It is understood that the actual percentage of eligible operating expenses paid by MDOT to LIVINGSTON COUNTY may be different from the percentage listed above. The percentage is subject to change during the year. As a result, the monthly payment to PEX may be increased or decreased during the year. MDOT does not determine the final percentage until after the end of the subject year. It will be necessary to make a final reconciliation after the end of the project period of the amount earned by PEX based on the actual eligible expenses of PEX and percent of eligible expenses paid by MDOT. At that time, LIVINGSTON COUNTY agrees to promptly pay PEX any additional amount earned by PEX, and PEX agrees to repay LIVINGSTON COUNTY any excess payment that was received by PEX.

6. Indemnification.

PEX agrees to indemnify, defend and save LIVINGSTON COUNTY, its Board, officials, officers, employees, individually and collectively harmless from all losses, claims, suits, demands, expenses, subrogation, attorney's fees or actions of any kind and nature arising or alleged to have arisen out of the breach of this agreement and claims by the State of Michigan for noncompliance with its grant to LIVINGSTON COUNTY, which arise from any action or failure to act by PEX in relation to its obligations under this Agreement. LIVINGSTON COUNTY agrees to indemnify and hold PEX harmless for any and all claims of any sort arising out of a breach of this agreement by LIVINGSTON COUNTY. With respect to claims of third parties, this provision is not intended, and is not to be construed as a waiver of the defense of governmental immunity otherwise available nor is it intended to grant third party beneficiary status to any person or entity.

7. Insurance.

PEX will provide such insurance as may be required by LIVINGSTON COUNTY and MDOT relating to the obligations of PEX under this Agreement, and will name LIVINGSTON COUNTY as an additional insured under any policy of insurance which may be required.

8. Termination.

Either party may terminate this Agreement for cause at any time in the event that the other party fails to perform its obligations hereunder, or may, in the alternative, withhold funds until the performance of the party in breach is brought into compliance. Unless the nonperformance results in immediate threat to public health or safety, LIVINGSTON COUNTY will provide PEX with written notice of non-compliance and a 30-day period to cure such non-compliance before termination or withholding of funds or services. Further, either party may terminate this Agreement at any time if the State grant to LIVINGSTON COUNTY is terminated, and either party may terminate this Agreement for its convenience upon 120 days written notice, provided that the parties shall continue their obligations to each other under the terms of this agreement until it is terminated.

9. Assignment.

PEX may not assign its obligations under this Agreement without the prior written consent of LIVINGSTON COUNTY.

10. Governing Law.

This Agreement shall be governed by the laws of the State of Michigan.

11. Severability.

In the event any provision of this Agreement is determined to be invalid, the remainder of the Agreement shall remain in full force and effect.

LIVINGSTON COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_

Date: \_\_\_\_\_

Title: Chairman of the Board

PEOPLE'S EXPRESS

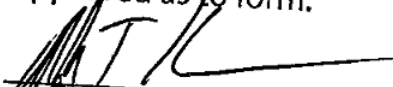
By:  \_\_\_\_\_

Date: 6/17/19

Title: Managing Director

FOSTER SWIFT COLLINS & SMITH, P.C.

Approved as to form:

 \_\_\_\_\_

Mark T. Koerner

6/19/19  
Dated



## **APPENDIX A**

The following is a summary of Federal requirements for recipients of Section 5311 funding. LIVINGSTON COUNTY is responsible for insuring that subrecipients of these funds are also in compliance.

The goals that the Federal Transit Administration (FTA) expects from grant recipients and subrecipients are:

- Documented Policies & Procedures
- Effective Service Implementation
- Sufficient Resources to Implement Programs
- Understanding of Requirements
- Effective Oversight

Federal Transit Administration (FTA) requirement categories, including basic details, are as listed below:

### **1. Financial Capacity**

Demonstrate ability to match and manage FTA grant funds, cover cost increases and operating deficits, cover maintenance and operational costs for federally funded facilities and equipment, and conduct and respond to applicable audits.

### **2. Technical Capacity**

Subrecipient has the procedures, process and resources to implement and manage grant funding and budgets, meet schedules on projects, and properly oversee contractors.

### **3. Maintenance**

The maintenance of federally funded vehicles, equipment and facilities in good operating order throughout their useful life, as well as the maintenance of ADA accessibility features.

### **4. Americans with Disabilities Act (ADA)**

No discrimination against persons with disabilities; provide accessible facilities and services that meet requirements; and ensure contractor(s) compliance.

### **5. Title VI**

No discrimination based on race, color, or national origin in the provision of transit services, and provide service and related benefits equitably. Subrecipients are required to prepare and submit a Title VI program.

6. Procurement

Conduct procurements in accordance with FTA Circular 4220.1F and federal law, in full and open competition, and in compliance with Buy America requirements.

7. Disadvantaged Business Enterprises (DBE)

For subrecipients with \$250,000 in contracting opportunities, not including revenue vehicles, to implement an approved DBE program and administer the program effectively.

8. Legal

Subrecipient has legal authority to request, receive, and disburse FTA funds, with proper designation of authority to execute awards, and is in compliance with lobbying requirements.

9. Satisfactory Continuing Control

Proper use of FTA funded property and equipment to provide transit service, as well as proper acquisition, maintenance, and tracking of FTA funded assets in compliance with Transit Asset Management requirements effective October 1, 2016.

10. Planning/Program of Projects (POP)

Not applicable. Applies to subrecipients of Section 5307 funding only.

11. Public Comment of Fare and Service Changes

Not applicable. Applies to subrecipients of Section 5307 funding only.

12. Half Fare

Not applicable. Applies to subrecipients of Section 5307 funding only.

13. Charter Bus

Subrecipients are generally prohibited from using federally funded equipment and facilities to provide charter service. Subrecipients must consult with LIVINGSTON COUNTY prior to operating community-based charter services exempted by the regulation.

14. School Bus

Subrecipients are prohibited from operating exclusive school bus service only available for students.

15. Security

Not applicable. Applies to subrecipients of Section 5307 funding only.

16. Drug-Free Workplace/Drug and Alcohol Program

Subrecipients must adopt a written drug-free workplace program and on-going drug free awareness program, along with a drug and alcohol testing program for all safety sensitive employees of subrecipients and contracts.

17. Equal Employment Opportunity (EEO)

Employees are not discriminated against in the workplace. If criteria are met, subrecipient has an effective EEO program.

RESOLUTION

NO: 2019-09-128

LIVINGSTON COUNTY

DATE: September 16, 2019

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**Resolution Authorizing Contract Award to Enterprise Fleet Management to provide Automotive Fleet Management Services for the Car Pool Department – Car Pool**

**WHEREAS,** there is an on-going need to provide fleet services for Livingston County departments and County Administration has determined that a different strategic direction for the provision of these services should be pursued; and

**WHEREAS,** in accordance with the County's Procurement Policy, a formal bid process for Automotive Fleet Management Services was performed and submitted proposals were evaluated; and

**WHEREAS,** Enterprise Fleet Management was recommended for award to provide Automotive Fleet Management Services per the rates in Attachment B – Alternative Cost Proposal of RFP-LC-19-16 for three (3) year base contract with one (1) additional two-year renewal for a total contract period not to exceed five (5) years.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby authorize entering into contact with Enterprise Fleet Management located at 600 Corporate Park Drive, St. Louis, MO 63105 to provide automotive fleet management services per RFP-LC-19-16 and the proposed rates in Attachment B – Alternative Cost Proposal for a three (3) year term commencing on October 1, 2019 to October 1, 2022 with one (1) additional two- year renewal for a total contract period not to exceed five (5) years.

**BE IT FURTHER RESOLVED** that the Livingston County Board of Commissioners authorizes any budget amendment required to effectuate this contract.

**BE IT FURTHER RESOLVED** that the Chairman of the Livingston County Board of Commissioners is authorized to sign all forms, assurances, contracts/agreements and future amendments for monetary and contract language adjustments related to the above as prepared by Civil Counsel.

**BE IT FURTHER RESOLVED** that the Board Chairperson is authorized to sign the renewal option for Enterprise Fleet Management Services to provide automotive fleet management services for Livingston County operations as prepared by Civil Counsel upon satisfactory performance of the contract, as determined by the County Administrator.

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MOVED:  
SECONDED:  
CARRIED:



## Memorandum

**To: Livingston County Board of Commissioners**  
**From: Greg Kellogg, Transportation Director**  
**Date: September 3, 2019**  
**Re: Resolution Authorizing Contract Award to Enterprise Fleet Management to provide Automotive Fleet Management Services for Car Pool – Car Pool**

Based on the recommendation of County Administration's procurement consultant, CoPro+, the current County fleet operations was identified as an opportunity for strategic savings and potential revenue. Specifically, the implementation of a fleet management program would allow the County to operate a newer, safer fleet while reducing the internal administrative costs for tracking and maintaining the fleet compared to current fleet management operations. Moreover, a regional cooperative agreement could bring the County additional revenue.

Per the County Procurement Policy, a competitive bid process was performed in which the bid was posted on the Michigan Inter-governmental Trade Network (MITN), the County website, and (2) two known local companies were sent the solicitation directly. A pre-bid conference was held where three (3) companies attended. As a result, the solicitation reached a large group of qualified companies and even though only one (1) qualified submission was received, the Evaluation Committee (EC) believes that the process created a system of free and open competition and should be considered valid.

Based on the recommendation of the EC, Enterprise Fleet Management Services has been selected as a full service fleet management lease provider. As a result, I am requesting the attached resolution be approved to award the contract to Enterprise Fleet Management Services to provide automotive fleet management services for a three (3) year base contract with one (1) two-year renewal option for a total contract renewal period not to exceed five (5) years.

While the fleet management provider will operate the new leasing program and assume many of Car Pool's internal administrative functions, Car Pool will continue to provide services to County departments in the form of coordination between departments and local repair vendors, including vehicle portering. Moreover, Car Pool will retain the internal Fleet Manager/Mechanic position to provide priority service to public safety departments.

Thank you for your consideration. If you have any questions or concerns regarding this matter, please do not hesitate to contact me.

## RFP-LC-19-16: Evaluation Matrix

RFP-LC-19-16: Evaluation Matrix	Maximum Points	Enterprise
Proposal Narrative - Section 1.3	20	15
Category A - Section 1.4	60	46
Category B - Section 1.5	60	45
Category C - Section 1.6	40	32
Category D - Section 1.7	40	34
Company Service Capabilities - Section 1.8	20	15
Value-Added Services - Section 1.9	40	21
Pricing - Attachment A	120	67
Total Points	400	275

RESOLUTION

NO: 2019-09-129

LIVINGSTON COUNTY

DATE: September 16, 2019

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**Resolution Authorizing the Reorganization of the Car Pool Department – Car Pool**

**WHEREAS,** the Transportation Director has evaluated the organizational structure of the Car Pool Department and wishes to make changes to that structure to coincide with anticipated changes to the administration of the Department; and

**WHEREAS,** the proposed third-party contract for Fleet Management Services is expected to reduce the administrative workload in the Car Pool department with respect to accounts payable and work order processing; and

**WHEREAS,** the increasing volume and complexity of those and other tasks prompted a 2016 reorganization of the department which created the Administrative Coordinator position, classified at Grade 5, and added the Administrative Aide position, classified at Grade 3, both funded 50/50 by LETS and Car Pool; and

**WHEREAS,** to bring staffing levels in line with the anticipated reduction in administrative workload, the Administrative Coordinator position will be replaced with the Maintenance Coordinator position which is classified at Grade 4 and exists in the Car Pool position control chart; and,

**WHEREAS,** the Maintenance Coordinator position will continue to be funded 50/50 by LETS and Car Pool; and

**WHEREAS,** as part of this reorganization LETS will assume the full cost of the Administrative Aide position beginning on January 1, 2020.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby authorizes a reorganization of the Car Pool Department changing the Administrative Coordinator position at Grade 5 to the Maintenance Coordinator position at Grade 4 and deleting the Administrative Aide position as described in the position control chart below.

**CURRENT**

Position #	Description	Grade	FTE	ORG	Percent
53800141	ADMINI AIDE LETS/CP	3	1.00	58853800	50%
				66126300	50%
53800103	ADMINISTRATIVE COORD	5	1.00	58853800	50%
				66126300	50%

**PROPOSED**

Position #	Description	Grade	FTE	ORG	Percent
53800141	ADMINI AIDE	3	1.00	58853800	100%
53800103	ADMINISTRATIVE COORD	4	1.00	58853800	50%
				66126300	50%

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**MOVED:**

**SECONDED:**

**CARRIED:**





**LIVINGSTON COUNTY, MICHIGAN**  
**CAR POOL DEPARTMENT**

3950 W. Grand River, Howell, MI 48855  
Phone 517-540-7847 Fax 517-546-5088  
Web Site: [www.livgov.com/lets](http://www.livgov.com/lets)

## Memorandum

**To:** Livingston County Board of Commissioners  
**From:** Greg Kellogg, Transportation Director  
**Date:** 09/03/2019  
**Re:** Resolution Authorizing the Reorganization of the Car Pool Department – Car Pool

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In preparation for the anticipated contract award for fleet management services I evaluated the organizational structure of the Car Pool department and determined that changes are needed.

The addition of third-party fleet management services is expected to reduce the administrative workload in the Car Pool department significantly with respect to accounts payable and work order processing.

The increasing volume and complexity of those and other tasks prompted a 2016 reorganization of the department which created the Administrative Coordinator position, classified at Grade 5, and added the Administrative Aide position, classified at Grade 3, both funded 50/50 by LETS and Car Pool.

To bring staffing levels in line with the anticipated reduction in administrative workload, I recommend replacing the Administrative Coordinator position, currently vacant, with the Maintenance Coordinator position which is classified at Grade 4. The Maintenance Coordinator position preceded the Administrative Coordinator position and already exists in the Car Pool position control chart.

The Maintenance Coordinator will serve as the primary contact for the fleet management program and will work with the Car Pool Fleet Manager to coordinate repairs and maintenance on County-owned vehicles. The Maintenance Coordinator position will continue to be funded 50/50 by LETS and Car Pool.

As part of this reorganization LETS will assume the full cost of the Administrative Aide position beginning on January 1, 2020. This change is reflected in the proposed 2020 LETS budget.

Please do not hesitate to contact me at **x7843** with any questions.

## **LIVINGSTON COUNTY JOB DESCRIPTION**

### **MAINTENANCE COORDINATOR - L.E.T.S./CAR POOL**

**Supervised By:** Director of Transportation Services

**Supervises:** No supervisory responsibility

**FLSA Status:** Non-Exempt

#### **Position Summary:**

Under the supervision of the Director of Transportation Services is responsible for providing clerical and administrative support activities in support of L.E.T.S and vehicle operations and coordinating the maintenance of L.E.T.S. and motor pool vehicles. Maintains records and reports on all vehicle activities including, but not limited to, vehicle fueling, breakdowns, accidents, repairs, and maintenance.

#### **Essential Job Functions:**

An employee in this position may be called upon to do any or all of the following essential functions. These examples do not include all of the duties, which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily.

1. Responsible for the daily routines pertaining to servicing all County-owned vehicles except ambulances. Schedules service at dealerships and suppliers of vehicle services, rental requests, and keeping records on each vehicle. Implements the inventory, fixed asset, and work order modules in the MUNIS system.
2. Maintains records of maintenance schedules for County vehicles to include proper, efficient, and on-time scheduling of preventative maintenance and other repairs, and maintaining inventory of parts and supplies.
3. Processes invoices received for services and goods provided for all County vehicles. Records each transaction to create a service history on each vehicle. Enters information into the County's financial system software.
4. Arranges for auction sale of County vehicles turned in to the motor pool, including sheriff's vehicles decommissioned. Has decals removed, and detailing of vehicles to maximize return on sale. Also takes photos and writes auction notices for publication on the Internet. Handles title transfer documents and collects monies from purchasers. Meets with purchasers to assure vehicle is properly removed from site and to ensure that monies and paperwork are correct.
5. Processes accident reports and ensures that damaged vehicles have an estimate completed. Discusses anticipated repair charges with the Director and departmental

managers to determine if the vehicle should be repaired or sold. Also ensures that necessary paperwork, police accident reports, estimates and invoices are completed and transmits the insurance information to Purchasing following MMRMA policies.

6. Answers phone calls pertaining to problems encountered by assigned drivers. This includes getting wreckers when breakdowns occur and finding a loaner for a department when necessary.
7. Assists the Director, Deputy Director and Operations Manager - L.E.T.S. with administrative duties as assigned. Transports County vehicles to vendors.
8. Produces monthly charge back invoices to departments using motor pool services. Matches fuel bills to outside vendor billings and calculates tax credits for those fueling services which do not remove taxes in their bill. Performs motor pool functions regarding driving records by adding, deleting, or verifying driving records with the Secretary of State per motor pool guidelines.
9. Creates and maintains financial documents for the Treasurer's office.
10. Inspects new vehicles including preparing all Federal Transit Administration and Michigan Department of Transportation documents related to pre-delivery to ensure specifications and proper safety requirements. Maintains all Federal Transit Administration and Michigan Department of Transportation vehicles per mandated safety guidelines, regulations, and requirements.
11. Responsible for maintaining and ordering office supplies for the department.
12. Serves as the secondary contact for the department's cell phone account, the County fuel credit card program, and coordinates and schedules hours for community service workers.
13. Performs other duties as directed.

**Required Knowledge, Skills, Abilities and Minimum Qualifications:**

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions of the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the job.

Requirements include the following:

- High school diploma or GED and three years of years of progressively more responsible experience in office administration.
- The County, at its discretion, may consider an alternative combination of formal education and work experience.

- Michigan Commercial Driver's License - Class C with passenger endorsement. Or must obtain within 6 months of date of hire.
- Working knowledge of fleet inventories with a variety of vehicle classes and elated administrative requirements.
- Considerable knowledge of scheduling and maintaining vehicle service schedules, preparing and maintaining detailed and accurate records, general vehicle maintenance, processing invoices, calculating charge backs for County departments related to vehicle usage, preparing vehicles for auction including processing title paperwork, and ensuring vehicles comply with Federal Transit Administration and Michigan Department of Transportation guidelines, rules, and regulations.
- Skill in assembling and analyzing data and preparing accurate reports.
- Skill in effectively communicating ideas and concepts on multiple platforms.
- Ability to establish effective working relationships and use good judgment, initiative and resourcefulness when dealing with County employees, contractors to the County, representatives of other governmental units, professional contacts, elected officials, and the public.
- Ability to assess situations, solve problems, work effectively under stress, within deadlines, and in emergency situations.
- Skill in the use of office equipment and technology, including Microsoft Suite applications, fleet management software and other software applications utilized by L.E.T.S.

**Physical Demands and Work Environment:**

The physical demands and work environment characteristics described here are representative of those an employee encounters while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to communicate in person and by telephone, read regular and small print, view and produce written and electronic documents, and enter data on a computer keyboard with repetitive keystrokes. The employee must be mobile in an office setting, stand, sit, stoop and kneel, use hands to finger, handle, or feel and reach with hands and arms. The employee must lift or push/pull objects of up to 25 lbs. without assistance. Accommodation will be made, as needed, for office employees required to lift or move objects that exceed this weight.

The typical work environment of this job is a business office setting where the noise level is quiet and sometimes moderate.

## **LIVINGSTON COUNTY JOB DESCRIPTION**

### **ADMINISTRATIVE COORDINATOR - L.E.T.S./CAR POOL**

**Supervised By:** Director of Transportation Services

**Supervises:** Subordinate staff as assigned

**FLSA Status:** Non-Exempt

#### **Position Summary:**

Under the supervision of the Director of Transportation Services is responsible for providing administrative and clerical support activities for L.E.T.S. and the County Motor Pool departments. Prepares weekly, monthly, and annual reports for both departments and creates ad hoc reports as needed. Serves as the County's Module Lead for the Munis system for work orders. Coordinates all vehicle repairs and maintenance, and maintains records of supplies inventory, vehicle inventory, vehicle fuel usage, repair and maintenance invoices, breakdowns, and accidents in Munis. Conducts new driver training and provides updated training to existing drivers. Certified back-up for the DOT/FTA certified Drug and Alcohol program.

#### **Essential Job Functions:**

An employee in this position may be called upon to do any or all of the following essential functions. These examples do not include all of the duties, which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily.

1. Assists the Director and Deputy Director in preparing the Motor Pool annual budget and all related vehicle information for the L.E.T.S. annual budget.
2. Trains new drivers on all L.E.T.S., MDOT, and FTA regulations and provides updated training to existing drivers.
3. Acts as a certified back-up to the Operations Manager in administering the Board of Commissioners approved L.E.T.S. Drug and Alcohol policy to assure compliance with the DOT/FTA Drug and Alcohol Program. Failure to comply with federal drug and alcohol regulations could result in the loss of federal funding.
4. Responsible for the daily routines pertaining to servicing all County-owned vehicles except for EMS ambulances and the Drain Commissioner's equipment. Coordinates and schedules all vehicle service at dealerships, vendors, and suppliers for vehicle services and rental requests, and keeps records on each vehicle. Implements the inventory, fixed assets, and work order modules for L.E.T.S. and Motor Pool in the Munis system.

5. Maintains records of maintenance schedules for County vehicles to include proper, efficient, and on-time scheduling of preventative maintenance and other repairs, and maintaining in-stock inventory of parts and supplies in Munis.
6. Oversees maintenance regimen for L.E.T.S. federally-funded vehicles and facilities per FTA regulations, including maintenance of ADA accessibility features. Failure to keep federally-funded vehicles and facilities in good operating order could result in the loss of federal funding.
7. Processes all invoices for L.E.T.S. and Motor Pool including those received for services and goods. Records vehicle repair and maintenance transactions to create a service history on each vehicle. Prepares and verifies all work and that pricing complies with vendor contracts prior to entering accounts payable invoices in Munis.
8. Supervises and assigns tasks to LETS/Motor Pool Administrative Aide related to the above functions, including validating driver logs, counting cash from fare box returns, preparing bank deposits, and entering accounts payable invoices.
9. Arranges for auction sale of County vehicles turned in to the Motor Pool, including decommissioned Sheriff's vehicles. Has decals removed, and detailing of vehicles to maximize return on sale. Also takes photos and writes auction notices for publication on the Internet. Handles title transfer documents and collects monies from purchasers. Meets with purchasers to assure vehicle is properly removed from site and to ensure that monies and paperwork are correct.
10. Processes accident reports and ensures that damaged vehicles have an estimate completed. Discusses anticipated repair charges with the Director and departmental managers to determine if the vehicle should be repaired or sold. Also ensures that necessary paperwork, police accident reports, estimates and invoices are completed and transmits the insurance information to the Purchasing Department following MMRMA policies.
11. Answers phone calls pertaining to problems encountered by assigned drivers. This includes getting wreckers when breakdowns occur and finding a loaner for a department when necessary.
12. Assists the Director and Deputy Director with administrative duties as assigned. Assists department dispatch in handling calls, scheduling rides, and assigning buses to routes. Transports County vehicles to vendors.
13. Produces monthly charge-back invoices to departments using Motor Pool services. Matches fuel bills to outside vendor billings and calculates tax credits for those fueling services which do not remove taxes in their bill. Performs Motor Pool functions regarding driving records by adding, deleting, or verifying driving records with the Secretary of State per motor pool guidelines.

14. Creates and maintains financial documents for the Treasurer's office.
15. Inspects new vehicles including preparing all Federal Transit Administration and Michigan Department of Transportation documents related to pre-delivery to ensure specifications and proper safety requirements. Maintains all Federal Transit Administration and Michigan Department of Transportation vehicles per mandated safety guidelines, regulations, and requirements.
16. Responsible for maintaining and ordering office supplies for the department.
17. Serves as the main contact for the department's cell phone account, ordering diesel and propane fuel for buses, the County fuel credit card program, and coordinates and schedules hours for community service workers.
18. Performs other duties as directed.

**Required Knowledge, Skills, Abilities and Minimum Qualifications:**

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions of the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the job.

Requirements include the following:

- High school diploma or GED and three years of years of progressively more responsible experience in office administration. Associate's or Bachelor's Degree in Business Management preferred.
- The County, at its discretion, may consider an alternative combination of formal education and work experience.
- Michigan Commercial Driver's License - Class C with passenger endorsement.
- Working knowledge of fleet inventories with a variety of vehicle classes and elated administrative requirements.
- Considerable knowledge of scheduling and maintaining vehicle service schedules, preparing and maintaining detailed and accurate records, general vehicle maintenance, processing invoices, calculating charge backs for County departments related to vehicle usage, preparing vehicles for auction including processing title paperwork, and ensuring vehicles comply with Federal Transit Administration and Michigan Department of Transportation guidelines, rules, and regulations.
- Skill in assembling and analyzing data and preparing accurate reports.
- Skill in effectively communicating ideas and concepts orally and in writing.



- Ability to establish effective working relationships and use good judgment, initiative and resourcefulness when dealing with County employees, contractors to the County, representatives of other governmental units, professional contacts, elected officials, and the public.
- Ability to assess situations, solve problems, work effectively under stress, within deadlines, and in emergency situations.
- Skill in the use of office equipment and technology, including Microsoft Suite applications, fleet management software and other software applications utilized by L.E.T.S.

**Physical Demands and Work Environment:**

The physical demands and work environment characteristics described here are representative of those an employee encounters while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to communicate in person and by telephone, read regular and small print, view and produce written and electronic documents, and enter data on a computer keyboard with repetitive keystrokes. The employee must be mobile in an office setting, stand, sit, stoop and kneel, use hands to finger, handle, or feel and reach with hands and arms. The employee must lift or push/pull objects of up to 25 lbs. without assistance. Accommodation will be made, as needed, for office employees required to lift or move objects that exceed this weight.

The typical work environment of this job is a business office setting where the noise level is quiet and sometimes moderate.

RESOLUTION

NO: 2019-09-130

LIVINGSTON COUNTY

DATE: September 16, 2019

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**Resolution Authorizing Capital Expenditure for One (1) Vehicle and Supplemental Appropriation to the FY 2019 Budget – Car Pool**

- WHEREAS,** the Car Pool Director is requesting authorization to replace one (1) vehicle from the Sheriff's Department Field Services Division that was involved in an accident and declared a total loss by MMRMA; and
- WHEREAS,** the totaled vehicle is a MY 2018 Ford F-150 and will be replaced by a MY 2019 Ford F-150 purchased from Gorno Ford of Woodhaven, MI using the MiDeal Cooperative Purchasing Contract; and
- WHEREAS,** the Car Pool Department has received \$5,566 in lease payments for the totaled vehicle and will receive \$34,500 in insurance/salvage proceeds; and
- WHEREAS,** the cost of a new replacement MY 2019 Ford F-150 is not to exceed \$34,000 plus \$2,500 in upfitting costs, and any remaining funds will be used to reduce the monthly lease costs of the new vehicle; and
- WHEREAS,** the totaled vehicle was not intended to be replaced in the current year and therefore a budget amendment for Car Pool is necessary to cover the vehicle purchase and upfitting expense; and
- WHEREAS,** the proposed amendment ensures compliance with the Uniform Budgeting and Accounting Act, as amended; and
- WHEREAS,** the replacement vehicle will be leased back to the Sheriff Department for the term of 60 months.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby authorizes the Car Pool Director to purchase one (1) MY 2019 Ford F-150 for an amount not to exceed Thirty-Four Thousand dollars (\$34,000) plus Two Thousand Five Hundred (\$2,500) in upfitting costs with any remaining funds to be used to reduce monthly vehicle lease payments.

**BE IT FURTHER RESOLVED** that the replacement vehicle will be purchased from Gorno Ford of Woodhaven, Michigan using the MiDeal Cooperative Purchasing Contract and will be leased back to the Sheriff's Department for a term of 60 months.

**BE IT FURTHER RESOLVED** that Livingston County Board of Commissioners hereby authorizes a budget amendment to the Car Pool 2019 Budget as follows:

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FUND	APPROVED [YEAR] BUDGET	PROPOSED AMENDMENT	[YEAR] AMENDED BUDGET
661 – Car Pool	\$1,943,399	\$36,500	\$1,979,899

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



**LIVINGSTON COUNTY, MICHIGAN**  
**CAR POOL DEPARTMENT**

**3950 W. Grand River, Howell, MI 48855**  
**Phone 517-540-7847 Fax 517-546-5088**  
**Web Site: [www.livgov.com/lets](http://www.livgov.com/lets)**

## Memorandum

**To: Livingston County Board of Commissioners**  
**From: Greg Kellogg, Transportation Director**  
**Date: 09/03/2019**  
**Re: Resolution authorizing capital expenditure for one (1) vehicle and supplemental appropriation to the FY 2019 budget – Car Pool**

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I am requesting authorization to replace one (1) vehicle from the Sheriff's Department Field Services Division that was involved in an accident and declared a total loss by MMRMA.

The totaled vehicle is a MY 2018 Ford F-150 and will be replaced by a MY 2019 Ford F-150 purchased from Gorno Ford of Woodhaven, MI using the MiDeal Cooperative Purchasing Contract.

Car Pool has received \$5,566 in lease payments for the totaled vehicle and will receive \$34,500 in insurance/salvage proceeds. The cost of a new replacement MY 2019 Ford F-150 is not to exceed \$34,000 plus approximately \$2,500 in upfitting costs. The remaining funds will be used to reduce monthly lease payments on the new vehicle.

The totaled vehicle was not intended to be replaced in the current year and therefore a Car Pool budget amendment is necessary to cover the vehicle and upfitting expense.

Please do not hesitate to contact me at **x7843** with any questions.

**RESOLUTION**

**NO: 2019-09-131**

**LIVINGSTON COUNTY**

**DATE: September 16, 2019**

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**Resolution Authorizing the Ballot Programming Fee – County Clerk**

**WHEREAS,** the County Clerk provides election services, including ballot programming, to the city and townships within Livingston County; and

**WHEREAS,** the fee charged for election services may be amended by County Resolution; and

**WHEREAS,** the price currently charged for election services was established prior to implementation of the new election equipment in 2017 and was based on the best available information at that time; and

**WHEREAS,** after working with the new election equipment for some time and researching the fee charged by others, an increase in the fee charged for election services is warranted.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby approve the Ballot Programming Fee of \$300 per ballot style effective December 1, 2019.

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**MOVED:**

**SECONDED:**

**CARRIED:**



# ELIZABETH HUNDLEY LIVINGSTON COUNTY CLERK

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County Clerk  
200 E. Grand River Ave.  
Howell, MI 48843  
Phone: (517) 546-0500  
countyclerk@livgov.com

Circuit Court Clerk  
204 S. Highlander Way, Suite 4  
Howell, MI 48843  
Phone: (517) 546-9816  
wclerks@livgov.com

TO: Livingston County Board of Commissioners

FROM: Elizabeth Hundley

RE: Resolution Authorizing the Ballot Programming Fee

DATE: August 29, 2019

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The County Clerk has provided election services, including ballot programming, to city and township clerks since 2006. The County Clerk has always charged a fee for these services.

The Board of Commissioners approved the current fee on May 15, 2017. This was just prior to receiving the new election equipment and we based the fee on the best information available at the time. I am recommending a change in the fee since programming several elections and becoming more familiar with the process and equipment.

I am recommending a Ballot Programming Fee of \$300 per ballot style. My recommendation is based on consideration of the fee Hart InterCivic would charge for programming as well as what other counties are charging for this service.

As always, please reach out to me if you have questions. I can be reached at (517) 546-0500.

Thank you for your consideration.

RESOLUTION

NO: 2019-09-132

LIVINGSTON COUNTY

DATE: September 16, 2019

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**Resolution for Addendum to Computer Software and License Sales Agreement between Livingston County MI, Register of Deeds and Fidlar Technologies for a new Conversion Project – Register of Deeds**

**WHEREAS,** previously the Register of Deeds has digitized books (Libers) 1 through 37 due to their fading and decomposition. The office also digitized all of our 464 photostat books (libers).

**WHEREAS,** the Register of deeds now wishes to scan, convert, enhance as well as name & group each of the respective pages within books (libers) 656-1035.

**WHEREAS,** the Media Conversion Contract dated July 23<sup>rd</sup>, 2019 is attached showing an Estimated Cost of \$98,539.31 for this project.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby approve to amend the agreement with Fidlar Technologies for a Media Conversion Project in the amount of \$98,539.31 to be fully funded from the Register of Deeds Automation Fund effective immediately upon execution of the contract and to be completed no later than 12.31.2019.

**BE IT FURTHER RESOLVED** that the Chairman of the Board of Commissioners and the Register of Deeds are hereby authorized to sign said amendment upon review and approval of Civil Counsel.

**BE IT FURTHER RESOLVED** that the Livingston County Board of Commissioners authorize a budget amendment in the amount of \$98,539.31 to come from the Register of Deeds Automation Fund balance.

**BE IT FURTHER RESOLVED** that the worksheet showing details of the above is available for review in the County Administration Finance office.

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**MOVED:  
SECONDED:  
CARRIED:**



# **Livingston County, MI**

## **Media Conversion Contract**

**Raquel Posateri**  
**Partner Relationship Manager**  
**Office: (563) 345-1237**  
**Mobile: (563) 343-9588**  
**Email: [raquelp@fidlar.com](mailto:raquelp@fidlar.com)**



# Livingston County, MI

## Statement of Work

<b>16mm Rollfilm – Libers 656-1035</b>
<b>**DRIVE SPACE REQUIRED** 18.06GB</b>



## Livingston County, MI Media Conversion Contract

July 23rd, 2019

Livingston County Register of Deeds  
Mr. Brandon Denby  
200 E Grand River  
Howell, MI 48843

Dear Brandon,

The following provides the details of your upcoming scanning contract.

As your current Land Records software vendor, we provide a 100% guarantee that all image and index file formats generated from this project are fully compatible with your Fidar image database.

Fidar will manage all aspects of this project from start to finish. Services include coordinating the necessary resources for the shipment of your film, scanning film, conversion, enhancement of the images, grouping and naming of the appropriate pages of each book into individual documents, and importing all specified book records into your Fidar AVID/Laredo system.

As your business partner, we greatly appreciate the opportunity to continue to provide you with the valued services and products you have come to expect from Fidar. We look forward to adding additional value to your office, your constituents, and your abstract and title searchers.

Sincerely,

Raquel Posateri  
Partner Relationship Manager  
Fidar Technologies  
Office: 563-345-1237  
Mobile: 563-343-9588  
Email: [raquelp@fidlar.com](mailto:raquelp@fidlar.com)



## Investment Summary: Fidlar Services Description

### ✓ **Scan & Capture**

Professionally trained and qualified personnel, utilizing state-of-the-art scanning equipment and processes, will scan the books. During this phase, the following activities will occur: shipment of film, configuration of scanning equipment and computer peripherals, inventory, inspection, handling and scanning, and content inspection. The end result is a set of digitized images that will be enhanced and imported into your system.

### ✓ **Image Cropping, Border Removal, & Image Enhancements**

Utilizing customizable and automated image enhancement software, excess borders will be removed and the images will be enhanced into a usable state. Images will go through double inspection at 99.9% accuracy.

### ✓ **Grouping/Naming of Images**

The images will be grouped into unique documents and named with the appropriate document number. The accuracy of grouping/naming is 99.9%. Fidlar will provide the county with Grouper. Grouper will offer the county the ability to manipulate images returned from their imaging project for cleanup purposes: moving, copying, splitting and deleting images.

Images that cannot be corrected using Grouper, will be done so at no additional cost to the county.

### ✓ **Project Resources Management & Import**

Fidlar utilizes many resources in the management of the complete project from start to finish. This includes coordinating and scheduling all project resources, importation of all document images and document number index files into your Fidlar system, and configuring your Fidlar system for immediate access to newly imported documents via Laredo, Tapestry, and AVID. The imported documents will also be made available for back indexing in AVID if desired.



## Estimated Investment Summary: Professional Services Rendered

In exchange for products and services outlined in this Professional Services Contract, Livingston County agrees to pay Fidlar Technologies the total amount due in the following payment schedule:

- ✓ **Scan, Capture, & Image Processing** **\$87,556.11**
  - **Includes Scanning, Image Cropping, Border Removal, Image Enhancements & Grouping/Naming of Images**
- ✓ **Project Resource Management & Import** **\$10,983.20**

**TOTAL INVESTMENT** **\$98,539.31**

**\*\*Total Investment is based on estimated quantities. Final invoice will reflect actual quantities.**

## Billing Milestones

1. 25% due upon signing of this Professional Services Contract agreement.  
[\\$ 24,634.83](#)
2. 50% due upon scanning completion.  
[\\$ 49,269.65](#)
3. Balance due upon completion of importing of documents/images (based on actual quantities of scanned and processed images), with prior approval by County Recorder if the total investment exceeds the estimate.  
[\\$ 24,634.83 \(\\*\\*Estimated\)](#)

\*\* Your final invoice will be charged based upon the final document count after grouping and naming. This charge may vary from the estimated count found during discovery.

These payments are not "deferred payments" under section 3.10 and are subject to County's statutory claims procedure.



## Schedule "A" – Media Conversion Project

This Agreement is made this \_\_\_ day of \_\_\_\_\_, 2019, by and between FIDLAR TECHNOLOGIES, (FIDLAR) and LIVINGSTON COUNTY, MI (the "CLIENT").

### **RECITALS**

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- A. FIDLAR provides various image archival services, all of which are hereinafter referred to as "ARCHIVAL SERVICES."
- B. CLIENT desires to purchase from FIDLAR image archival services for the purpose of indexing and imaging documents electronically.

### **TERMS OF AGREEMENT**

In consideration of the facts mentioned above and the mutual promises set out below, the parties agree as follows:

### **ARTICLE I - GENERAL TERMS**

- 1.1 ARCHIVAL SERVICES: CLIENT agrees to buy from FIDLAR, and FIDLAR agrees to sell to CLIENT, image archival service(s) described in the Image Archival Services Statement of Work, at the price quoted and subject to the terms of this Agreement. Article II describes the terms of this Agreement as it relates to the services.
- 1.2 ACCEPTANCE BY CLIENT: CLIENT agrees to accept the image archival services at the conclusion of the project referenced in the Image Archival Services Statement of Work. If CLIENT notifies FIDLAR of a material problem with the services within 30 days of installation and testing, FIDLAR will use its best efforts to correct such problems; otherwise, CLIENT will be conclusively presumed to have accepted the services upon completion of installation and testing.



## Livingston County, MI Media Conversion Contract

- 1.3 DELIVERY: FIDLAR will deliver the image archival services to CLIENT at CLIENT'S facility located at:

Livingston County Register of Deeds  
Mr. Brandon Denby  
200 E Grand River  
Howell, MI 48843

### **ARTICLE II – SERVICES PERFORMED**

- 2.1 FIDLAR shall perform the work in accordance with currently approved methods and standards of practice in the image archival professional specialty.
- 2.2 All images, film, documents, books and other memoranda or writings relating to the work and services hereunder, shall remain or become the property of the CLIENT whether executed by or for FIDLAR for CLIENT and all such documents and copies thereof shall be returned or transmitted to CLIENT forth with upon CLIENT termination or completion of the work under this Agreement.

### **ARTICLE III**

- 3.1 CONFIDENTIAL INFORMATION: FIDLAR and CLIENT agree that information designated in writing as proprietary by one party shall be held in confidence by the other party.
- 3.2 EXCLUSIVE REMEDY: CLIENT's exclusive remedy against FIDLAR for any breach of warranty under this Agreement is limited to repair, replacement or refund with respect to the item in question, at FIDLAR's option and subject to applicable law. CLIENT will only be entitled to the direct damages that CLIENT actually incurs in reasonable reliance, up to the amount of a refund of the price (plus sales tax) that CLIENT paid for the item. CLIENT will not be entitled to any incidental, consequential or other damages, including but not limited to damages for loss of profits or confidential or other information, for business interruption, for personal injury, for loss of privacy for failure to meet any duty including of good faith or of reasonable care, for negligence or negligent misrepresentation, and for any other pecuniary or other loss whatsoever, even in the event of the fault of FIDLAR (or any supplier), of tort (including negligence),



## Livingston County, MI Media Conversion Contract

strict or product liability, breach of contract or breach of warranty, and even if FIDLAR or any supplier has been advised of the possibility of such damages. These limitations and exclusions regarding damages will apply even if any remedy fails.

3.3 WAIVER: Any waiver by either party of any provision of this Agreement shall not imply a subsequent waiver of that, or any other provision.

3.4 NOTICES: Any notices or demands required to be given herein shall be given to the parties in writing, and by mailing to the address hereinafter set forth, or to such other addresses as the parties may hereinafter substitute by written notice given in the manner prescribed in this Section.

a. Notice to FIDLAR:       Fidlar Technologies, Inc.  
                                  350 Research Parkway  
                                  Davenport, IA 52806  
                                  Attn: Ernest Riggen, President

b. Notice to CLIENT:       Mr. Brandon Denby  
                                  200 E Grand River  
                                  Howell, MI 48843

3.5 ENTIRE AGREEMENT: It is expressly agreed that this Agreement embodies the entire contractual agreement and that there is no other oral or written agreement or understanding between the parties at the time of the execution hereunder. Further, this Agreement cannot be modified except by written agreement of all parties hereto.

3.6 GOVERNING LAW: The parties agree that this Agreement shall be governed by the laws of the State of Michigan.

3.7 BINDING EFFECT: This Agreement shall inure to the benefit of and bind the parties hereto, their successors and assigns.

3.8 AUTHORITY: FIDLAR and CLIENT each hereby warrant and represent that their respective signatures set forth below have been and are on the date of this Agreement duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.



## Livingston County, MI Media Conversion Contract

- 3.9 SECTION HEADINGS: All section headings contained herein are for convenience or reference only and are not intended to define or limit the scope of any provision of this Agreement.
- 3.10 DEFERRED PAYMENT: To the extent that this Agreement includes deferred payments, such payments will include an imputed interest factor based on a current market rate. Deferred payments are defined as payments which extend beyond completion of the project installation and acceptance. Deferred payments are exempt from interest under the Installment Payment Agreement attached hereto and made a part hereof, except as may be provided for late charges as described in Section I of the Installment Payment Agreement.





## Livingston County, MI Media Conversion Contract

This Agreement has been executed by the parties as of the aforementioned date.

### **ACCEPTANCE AND AUTHORIZATION:**

Livingston County may designate acceptance of this proposal by signature of a duly authorized officer of the company. Total costs for initial implementation and ongoing costs have been described herein.

In exchange for products and services outlined in this proposal, Livingston County agrees to pay Fidlar Technologies, the total amount due within 30 days from the date of invoice. Fidlar Technologies also reserves the right to collect monies owed in the event of nonpayment and recover any and all legal fees in addition to the unpaid balance.

### **ACCEPTED:**

Mr. Brandon Denby  
Livingston County, MI  
200 E Grand River  
Howell, MI 48843

Print\_\_\_\_\_

Signature\_\_\_\_\_

Title\_\_\_\_\_

Date\_\_\_\_\_

### **ACCEPTED:**

Fidlar Technologies  
350 Research Parkway  
Davenport, IA 52806

Print\_\_\_\_\_

Signature\_\_\_\_\_

Title\_\_\_\_\_

Date\_\_\_\_\_

### **FIDLAR APPROVED:**

BY: \_\_\_\_\_

DATED: \_\_\_\_\_, 2019



RESOLUTION

NO: 2016-08-130

LIVINGSTON COUNTY

DATE: August 8, 2016

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RESOLUTION FOR ADDENDUM TO COMPUTER SYSTEM SOFTWARE AND LICENSE SALES AGREEMENT DATED 12/02/2010 BETWEEN LIVINGSTON COUNTY MI, REGISTER OF DEEDS & FIDLAR TECHNOLOGIES FOR PHASE II CONVERSION PROJECT / Register of Deeds/ General Government – Finance – Full Board

**WHEREAS,** the Register of Deeds is undertaking to have all of the records scanned and digitized with the Automation Fund to have them entered into the Fidlar AVID software so they are easily accessed and located to be reproduced by users; and

**WHEREAS,** the Register of Deeds had the first thirty seven books and the Grantor and Grantee index digitized last year due to their fading and decomposition over the years as Phase I of the conversion Project; and

**WHEREAS,** the Register of Deeds has all of the 464 Photostat books as the Phase II Project for this year to be digitized, enhanced, cropped, and reversed into black print on white background, so they will be the same as the other documents recorded, and easily searched for in the AVID computer software system and reproduced by users; and

**WHEREAS,** the addendum for this Phase II Digitizing Project to our Computer System Software and License Sales agreement has been attached showing the total cost of this project will be \$116,757.26; and

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby approves to amend the agreement with Fidlar Technologies for a Media Conversion Project in the amount of \$116,757.26 to be fully funded from the Register of Deeds Automation Fund; and

**BE IT FURTHER RESOLVED** that the Chairman of the Board of Commissioners and the Register of Deeds are hereby authorized to sign said amendment upon review and approval of Civil Counsel.

**BE IT FURTHER RESOLVED** that the funding will include a budget amendment to transfer of funds in the amount of \$116,757.26 from the Register of Deeds Automation Fund into the Register of Deeds Automation Budget

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**MOVED:** Commissioner Dolan  
**SECONDED:** Commissioner Griffith  
**CARRIED:** 8-0-1; Roll call vote: Yes: Dolan, Childs, Lawrence, Green, Domas, VanHouten, Williams, Griffith; No: None; Absent: Parker.

RESOLUTION

NO: 2019-09-133

LIVINGSTON COUNTY

DATE: September 16, 2019

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**Resolution to Authorize Additional Office Renovations for the Historic Courthouse and a Supplemental Appropriation to the Fiscal-Year 2019 Budget- Register of Deeds**

**WHEREAS,** the 2019-2024 Capital Improvement Plan included renovations to the Register of Deeds office space in the historic courthouse; and

**WHEREAS,** funds from the Capital Replacement Fund in the amount of \$60,000 were appropriated in the 2019 Authorized budget; and

**WHEREAS,** the Register of Deeds office will be relocated to the third and fourth floors of the historic courthouse to allow the Public Defender office to occupy the lower level of the historic courthouse; and

**WHEREAS,** in preparation for this move, quotes for office furniture, fire-proof records storage, and carpet installation have been received and the full move is estimated at a cost of \$95,000; and

**WHEREAS,** the increase in cost will require an additional appropriation of \$35,000 which is being requested from the Capital Replacement Fund 403 to complete the relocation of the Register of Deeds office.

**THEREFORE BE IT RESOLVED** that the Board of Commissioners authorizes a supplemental appropriation to the Register of Deeds Fiscal-Year 2019 Budget as illustrated below for the relocation of the Register of Deeds office space:

ORG	Approved 2019 budget	Proposed amendment	Amended 2019 budget
10126800 - Register of Deeds	\$ 751,071	\$ 35,000	\$ 786,071

**BE IT FURHTER RESOLVED** that the Board of Commissioners authorizes the Treasurer to transfer an additional \$35,000 from Fund 403 Capital Replacement for the Register of Deeds office space renovation and authorizes the appropriate adjusting journal entries to effectuate the above.

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**MOVED:**

**SECONDED:**

**CARRIED:**

RESOLUTION

NO: 2019-09-134

LIVINGSTON COUNTY

DATE: September 16, 2019

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**Resolution Authorizing an Agreement with American Tower Corporation to Provide Cellular Tower Lease Assignment and Management Services – Fiscal Services**

**WHEREAS,** the current Cell Tower lease agreement signed June 12, 1995 is set to expire on May 31, 2020; and

**WHEREAS,** Livingston County owns a cellular tower (Telecommunications Facility) located at 152 S. Highlander Way, Howell, MI 48843-1953; and

**WHEREAS,** in accordance with the County's Procurement Policy, a formal bid process was performed and submitted proposals were evaluated; and

**WHEREAS,** American Tower Corporation was recommended for award to provide cellular tower lease assignment and management services per the proposed Lease Extension rates in RFP-LC-19-12, as summarized below; and

**WHEREAS,** American Tower Corporation will pay the County a one-time signing bonus of \$40,000, payable within 30 days of execution of the agreement; and

**WHEREAS,** American Tower Corporation will pay the County a commission rate of \$2,000 monthly, commencing with the first rental payment due following the execution of an agreement; and

**WHEREAS,** American Tower Corporation will pay the County an annual rent escalation of 3% per year commencing on June 1, 2021, or on the first annual anniversary of commencement of a new signed lease agreement, whichever comes first; and

**WHEREAS,** American Tower Corporation is to pay the County a 25% future tenant revenue share, applicable to all tenants to collocate at the Telecommunications Facility following full execution of an agreement; and

**WHEREAS,** American Tower Corporation with an initial lease period of five (5) years term beginning May 31, 2020 to June 1, 2025 with up to six (6) additional five-year renewals for a total contract period not to exceed thirty (30) years

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby authorize entering into an Agreement with American Tower Corporation located at 10 Presidential Way, Woburn, MA 01801 to provide cellular tower lease assignment and management services for the Telecommunications Facility/cellular tower owned by Livingston County located at 152 S. Highlander Way, Howell, MI 48843-1953 per the proposed rates in RFP-LC-19-12, summarized above for a five (5) year term commencing on May 31, 2020 to June 1, 2025 with options for up to six (6) additional five- year renewals for a total contract period not to exceed thirty (30) years.

**BE IT FURTHER RESOLVED** that the Chairman of the Livingston County Board of Commissioners is authorized to sign all forms, assurances, contracts/agreements and future amendments for monetary and contract language adjustments related to the above as prepared by Civil Counsel.

**BE IT FURTHER RESOLVED** that the Board Chairperson is authorized to sign renewal options for American Tower Corporation to provide cellular tower lease assignment and management services for the Telecommunications Facility/cellular tower owned by Livingston County as prepared by Civil Counsel upon satisfactory performance of the contract, as determined by the County Administrator.

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



304 E. Grand River Ave., Suite 203, Howell, MI 48843  
Phone (517) 540-8727 Fax (517) 546-7266

## Memorandum

**To:** Livingston County Board of Commissioners  
**From:** Cynthia Catanach, CPFO, Deputy County Administrator/Finance Officer  
**Date:** July 31, 2019  
**Re:** Resolution Authorizing an Agreement with American Tower Corporation to Provide Cellular Tower Lease Assignment and Management Services for 152 S. Highlander Way, Howell, MI 48843-1953 near the Livingston County Sheriff's Office – GENERAL GOVERNMENT/ FINANCE / BOARD

The County of Livingston owns a cellular communications tower located at 152 S. Highlander Way, Howell, MI 48843 near the Livingston County Sheriff's department. The current lease is set to expire on May 31, 2020. Based on the extended period necessary to potentially change vendors for this type of specialized service, the bid process was completed this year.

Per the County Procurement Policy, a competitive bid process was performed in which the bid was posted on the Michigan Inter-governmental Trade Network (MITN), the County website, and two companies were sent the solicitation directly. As a result, the solicitation reached a large group of qualified companies and even though only one (1) submission was received, the evaluation committee believes that the process created a system of free and open competition and should be considered valid.

Based on the recommendation of the EC and comparison of our current and proposed rates, I am requesting the attached resolution be approved to award a contract with American Tower Corporation to provide cellular tower lease assignment and management services for a five (5) year term commencing on May 31, 2020 to June 1, 2025 with options for up to six (6) additional five-year renewals for a total contract period not to exceed thirty (30) years.

Thank you for your consideration. If you have any questions or concerns regarding this matter, please do not hesitate to contact me.

RESOLUTION

NO: 2019-09-135

LIVINGSTON COUNTY

DATE: September 16, 2019

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**Resolution Authorizing an Agreement with Outfront Media, Inc. to Provide Billboard Lease Management Services for the West Complex Billboard Owned by Livingston County – Facility Services**

**WHEREAS,** Livingston County owns a billboard along West Grand River Ave. near Highlander Way, in Howell, MI; and

**WHEREAS,** quotes were obtained and evaluated in accordance with the County's Procurement Policy and the recommendation is to award to Outfront Media, Inc.; and

**WHEREAS,** Outfront Media, Inc. will pay the County a commission rate of \$2,600 minimum guaranteed annually or 40% of the net ad revenue whichever is greater with a lease period of three (3) years term beginning September 1, 2019 to September 1, 2022 with up to two (2) additional one-year renewals for a total contract period not to exceed five (5) years.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby authorize entering into an Agreement with Outfront Media, Inc. located at 405 Lexington Ave., New York, NY 10174 to provide billboard lease management services for the West Complex billboard owned by Livingston County for a commission rate payable to the County of \$2,600 minimum guaranteed annually or 40% of net ad revenue whichever is the greater for a three (3) year term commencing on September 1, 2019 to September 1, 2022 with options for two (2) additional one- year renewals for a total contract period not to exceed five (5) years.

**BE IT FURTHER RESOLVED** that the Chairman of the Livingston County Board of Commissioners is authorized to sign all forms, assurances, contracts/agreements and future amendments for monetary and contract language adjustments related to the above as prepared by Civil Counsel.

**BE IT FURTHER RESOLVED** that the Board Chairperson is authorized to sign renewal options for Outfront Media, Inc. to provide billboard lease management services for the West Complex billboard owned by Livingston County as prepared by Civil Counsel upon satisfactory performance of the contract, as determined by the County Administrator.

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**MOVED:  
SECONDED:  
CARRIED:**



**LIVINGSTON COUNTY, MICHIGAN**  
**FACILITY SERVICES DEPARTMENT**

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**420 S. Highlander Way, Howell, MI 48843**  
**Phone (517) 546-6491 Fax (517) 546-7266**

## Memorandum

**To: Livingston County Board of Commissioners**  
**From: Chris Folts, Facility Services Director**  
**Date: August 19, 2019**  
**Re: Resolution Authorizing an Agreement with Outfront Media, Inc. to Provide Billboard Lease Management Services for the West Complex Billboard Owned by Livingston County – GENERAL GOVERNMENT/ FINANCE / BOARD**

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The County of Livingston owns a billboard along West Grand River Ave., near Highlander Way in Howell, MI. The current lease expired on August 31, 2019.

In compliance with the County Procurement Policy, quotes were obtained via the Fiscal Services Department, Procurement Division. As a result, (2) quotes were received in response to the request for quotes and were evaluated.

I am requesting the attached resolution be approved to award a contract to Outfront Media, Inc. to provide billboard lease management services at a rate payable to Livingston County in the amount of \$2,600 minimum guaranteed annually or 40% of net ad revenue whichever is greater for a three (3) year lease term commencing on September 1, 2019 to September 1, 2022 with options for up to two (2) additional one-year renewals for a total contract period not to exceed five (5) years.

Thank you for your consideration. If you have any questions or concerns regarding this matter, please do not hesitate to contact me.



RESOLUTION

NO: 2019-09-136

LIVINGSTON COUNTY

DATE: September 16, 2019

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**Resolution to Accept Funding from Ascension Providence Hospital, Michigan Medicine, and Saint Joseph Mercy Health System to Establish a Healthcare Transportation Collaborative - LETS**

**WHEREAS,** the Livingston County Health Department's 2015-2020 Community Health Improvement Plan (CHIP) identified healthcare integration and transportation as high-priority strategic issues for improving the health and well-being of Livingston County residents; and

**WHEREAS,** the CHIP process established a Healthcare Integration workgroup that includes representatives from the three major health systems, LETS, and the Health Department to develop options for collaboration between healthcare providers to improve access to healthcare services; and

**WHEREAS,** lack of transportation is one of the primary barriers to access and therefore a key objective of the workgroup is to develop a collaborative healthcare transportation service to improve access to healthcare and other wellness-related services; and

**WHEREAS,** a service was developed using LETS to provide door-to-door transportation available to the public for doctor appointments, pharmacy visits, on-demand emergency department discharges, and other activities that fulfill the mission of improving health and wellness; and

**WHEREAS,** the proposed service is eligible for federal and state transportation grants that will be matched by annual contributions from Ascension Providence in the amount of \$33,000, Michigan Medicine in the amount of \$33,000, and Saint Joseph Mercy in the amount of \$40,000; and

**WHEREAS,** the contributions will be made annually for a period of three (3) years consistent with the terms and conditions set forth in the letters of intent submitted by each of the three health systems.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby accept annual funding contributions from Ascension Providence Hospital in the amount \$33,000, Michigan Medicine in the amount of \$33,000, and Saint Joseph Mercy Health System in the amount of \$40,000 for a period of three (3) years for the purpose of matching federal and state transportation grants to establish a Healthcare Transportation Collaborative.

**BE IT FURTHER RESOLVED** that the Board of Commissioners authorize any budget amendment needed to effectuate the receipt and expenditure of these monies.

**BE IT FURTHER RESOLVED** that the Board Chair is authorized to sign any agreements and related documents upon review and approval by the LETS transit attorney, Mark T. Koerner of Foster, Swift, Collins, and Smith, PC.

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MOVED:  
SECONDED:  
CARRIED:



# Memorandum

**To: Livingston County Board of Commissioners**  
**From: Greg Kellogg, Transportation Director**  
**Date: 09/01/2019**  
**Re: Resolution to Accept Funding from St. Joseph Mercy Health System, Ascension Providence Health System, and Michigan Medicine to Establish a Healthcare Transportation Collaborative - LETS**

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A new healthcare transportation service operated by LETS will launch in fall 2019 thanks to a 3-year, \$318,000 funding commitment from St. Joseph Mercy Health, Ascension Providence Health, and Michigan Medicine.

The Livingston County Health Department's 2015-2020 Community Health Improvement Plan (CHIP) identified healthcare integration and transportation as high-priority strategic issues for improving the health and well-being of Livingston County residents.

The CHIP process established a Healthcare Integration workgroup that includes representatives from the three major health systems, LETS, and the Health Department to develop options for collaboration between healthcare providers to improve access to healthcare services.

Lack of transportation is one of the primary barriers to access and therefore a key objective of the workgroup is to develop a collaborative healthcare transportation service to improve access to healthcare and other wellness-related services. The three health systems took the lead on this effort, and after an extensive planning process, a service was developed using LETS as the transportation provider.

The proposed door-to-door transportation service will be disability-accessible and available to the public for doctor appointments, pharmacy visits, on-demand emergency department discharges, and other activities that fulfill the mission of improving health and wellness. LETS will provide two full-time drivers and two new wheelchair-accessible full-size vans for the service. The vans will be wrapped with the logos of LETS and the three health systems to make them easily identifiable to the public.

The service is eligible for federal and state transportation grants that will be matched by annual contributions from St. Joseph Mercy in the amount of \$40,000; Ascension Providence in the amount of \$33,000; and Michigan Medicine in the amount of \$33,000. The total contribution of \$106,000 per year is expected to leverage a minimum of \$130,000 annually in operating grant revenue (contingent on available funding) for a total estimated service budget of \$236,000. Capital costs for the two vans will be funded entirely by state and federal grants in the amount of \$150,000.

The contributions will be made annually for a period of three (3) years consistent with the terms and conditions set forth in the letters of intent submitted by each of the three health systems.

Please do not hesitate to contact me directly at x7843 if you have any questions.

Greg Kellogg  
Livingston Essential Transportation Service  
3950 W Grand River Ave  
Howell, MI 48855

Dear Mr. Kellogg,

On behalf of St. Joseph Mercy Livingston, I take pleasure in informing you of our support of Livingston Essential Transportation Services (L.E.T.S.) Matching Grant Fund opportunity by the Federal Transit Administration and the Michigan Department of Transportation. We are proud to know that our matching donation, in the amount of \$40,000 annually, is consistent with, and in support of, our mission by providing improved access to transportation for those most vulnerable in our community and reducing barriers to healthcare and the social determinants of health. It should be noted that, in accordance with Trinity Health's Community Health and Well-being alignment with Catholic Health Association's Community Benefit guidance, this annual donation to LETS is restricted to the purpose described above. This donation will be distributed annually for three years, for a total amount of up to \$120,000. The first year's installment of \$40,000 will be released as of July 1, 2019.

We at St. Joseph Mercy look forward to joining you in the effort to transform our community into one that provides the best quality of life for those who live in it.

Sincerely,



Bill Manns, President  
St. Joseph Mercy Ann Arbor and Livingston

May 21, 2019

Greg Kellogg  
Livingston Essential Transportation Service (L.E.T.S)  
3950 W. Grand River Ave  
Howell, MI 48855

RE: LOI for Transportation Collaboration

Dear Greg,

Ascension Providence is pleased to provide you with this Letter of Intent in support of the Livingston Essential Transportation Services (L.E.T.S.) Match Grant Fund opportunity by the Federal Transit Administration and the Michigan Department of Transportation. We are excited to know that our matching donation, in the amount of \$33,000 annually for the next 3 years, is consistent with, an in support of, Ascension's mission to provide improved access to transportation for those most vulnerable in our community by reducing barriers to healthcare and the social determinants of health.

In accordance with Ascension's Community Health mission and guidance, this annual donation to LETS is restricted to the intent described above. This donation will be distributed annually for three years, for a total of \$99,000. This first year's installment of \$33,000 will be released on Sept 1, 2019.

Ascension Providence is looking forward to this transportation collaboration with St. Joseph Mercy and Michigan Medicine to provide an improved quality of healthcare life for the citizens of Livingston County.

Sincerely,



Joseph Hurshe, FACHE  
President and CEO, Ascension Providence

August 30, 2019

Greg Kellogg, Director  
Livingston Essential Transportation Service (L.E.T.S.)  
3950 W. Grand River Ave.  
Howell, MI 48855

Dear Greg;

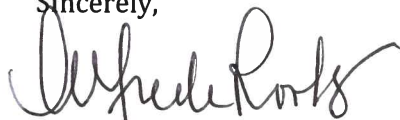
This letter confirms my e-mail dated July 21, 2019 indicating Michigan Medicine's three-year commitment of \$33,000/year in funding to expand LETS services in Livingston County. The expansion will specifically cover transportation for Livingston County residents to doctor appointments and pharmacy visits.

Lack of transportation is a significant social determinant that negatively impacts access to health care. The expanded services will ensure, that not just Michigan Medicine patients, but residents within Livingston County will have reliable transportation for doctor visits, reducing a barrier for seeking routine and regular health care.

We wholeheartedly join our partners, Saint Joseph Mercy Hospital – Livingston and Ascension in providing this service.

I look forward to hearing next steps.

Sincerely,



Alfreda Rooks, MPA  
Director  
Community Health Services

cc: M. Musler  
T. Denton

RESOLUTION

NO: 2019-09-137

LIVINGSTON COUNTY

DATE: September 16, 2019

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**Resolution Amending Resolution 2019-07-109 Authorizing Issuance of Sewage Disposal Bonds (Septage Receiving Station), Series 2019 – Drain/DPW**

**WHEREAS,** by resolution adopted on July 29, 2019 (the “Bond Resolution”), the Board of Commissioners of the County of Livingston (the “County”) authorized the issuance by the County of Sewage Disposal Bonds (Septage Receiving Station), Series 2019 (the “Bonds”), in an aggregate principal sum of not to exceed Seven Million Two Hundred Fifty Thousand Dollars (\$7,250,000) to defray part of the cost of acquiring and constructing improvements to the Septage Receiving Station (as defined in the Original Resolution); and

**WHEREAS,** the Bond Resolution provides that the Bonds shall be issued in anticipation of payments to be made by the County pursuant to Act 185 of the Michigan Public Acts of 1957, as amended, and the limited tax full faith and credit of the County are pledged to such payments and to the payment of the principal of, premium, if any, and interest on the Bonds; and

**WHEREAS,** it is necessary to amend the Bond Resolution as hereinafter provided.

**THEREFORE, BE IT RESOLVED** as follows:

1. AMENDMENT TO SECTION 6 OF THE BOND RESOLUTION. The following is substituted for and in the place of Section 6 of the Bond Resolution:

“6. BOND REGISTRAR AND PAYING AGENT. The Board of Commissioners hereby designates, and the Director may enter into an agreement with U.S. Bank National Association, Detroit, Michigan, as bond registrar and paying agent for the Bonds. The Director from time to time as required may designate a successor bond registrar and paying agent which shall be a bank or trust company located in the State of Michigan which is qualified to act in such capacity under the laws of the United States of America or the State of Michigan.”

2. CONFLICTING RESOLUTIONS. The Bond Resolution, as amended herein, is hereby ratified and confirmed. All resolutions and parts of resolutions insofar as they may be in conflict herewith are hereby rescinded.

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**MOVED:  
SECONDED:  
CARRIED:**



RESOLUTION

NO: 2019-07-109

LIVINGSTON COUNTY

DATE: July 29, 2019

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**Resolution Authorizing Issuance of Sewage Disposal Bonds (Septage Receiving Station), Series 2019 – Department of Public Works**

- WHEREAS,** the County of Livingston (the “County”), by resolution of its Board of Commissioners, has established a Department of Public Works for the administration of the powers conferred upon the County by Act 185 of the Michigan Public Acts of 1957, as amended (“Act 185”), which Department is administered by the Board of Public Works, under the general control of the Board of Commissioners; and
- WHEREAS,** by the terms of Act 185, the County is authorized to contract for the acquisition, construction and financing of sewage disposal system improvements to serve the County and for the payment of the cost thereof by the County, with interest, and the County is then authorized to issue its bonds to provide the funds necessary therefor; and
- WHEREAS,** pursuant to Act 185, the County, acting through its Board of Public Works, has previously established a sanitary sewer system (the “Livingston Regional Sewer System”), consisting, collectively, of the Hartland Sewer System (the “Hartland Sewer System”) serving portions of the Township of Hartland, Livingston County, Michigan (“Hartland”), and the Tyrone Sewer System serving portions of the Township of Tyrone, Livingston County, Michigan (“Tyrone”); and
- WHEREAS,** the Livingston Regional Wastewater System is operated and maintained by the County, acting through its Board of Public Works; and
- WHEREAS,** pursuant to Act 185, the County, acting through its Board of Public Works, has previously entered into a contract with Hartland, Hartland Township Sanitary Drain No. 1 Drainage District, Hartland Township Sanitary Drain No. 2 Drainage District and Branches to Hartland Township Sanitary Drain No. 2 Drainage District, to, among other things, finance, construct and connect to the Hartland Sewer System, a facility located in Hartland (the “Septage Receiving Station”) to receive septage waste from septage haulers and discharge said septage waste to the Hartland Sewer System for transportation to the Genesee Wastewater Treatment Plant, Genesee County, Michigan (the “Genesee Wastewater Treatment Plant”); and
- WHEREAS,** the County has previously entered into a contract with the County of Genesee (“Genesee County”) under Act 342 of the Michigan Public Acts of 1939, as amended (“Act 342”) for the treatment at the Genesee Wastewater Treatment Plant of wastewater generated in Hartland and Tyrone, including the treatment of septage waste transported from the Septage Receiving Station; and
- WHEREAS,** on March 22, 2019, the Livingston County Board of Public Works entered into a Corrective Action Plan with Genesee County acknowledging known violations with their current Industrial Pretreatment Plan (IPP) due to the waste strength of the septage flow and agreed to undertake improvements which included the installation of certain pretreatment equipment to bring its discharge into compliance with its permit; and

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**WHEREAS,** pursuant to Act 185, the County intends to acquire and construct improvements to the Septage Receiving Station consisting of a new building with a third receiving bay as well as septage dewatering equipment and related processing tanks to significantly lessen the waste strength of the septage flow that must be transported to the Genesee Wastewater Treatment Plant (the “2019 Project”) and thereby being able to meet its IPP limits; and

**WHEREAS,** there has been submitted for approval and adoption by this Board, plans, specifications, and estimates of the cost and period of usefulness of the 2019 Project; and

**WHEREAS,** this Resolution constitutes a contract and provides for the issuance of bonds by the County to defray part of the cost of the 2019 Project, said bonds to be secured by the contractual obligation of the County to pay amounts sufficient to pay the principal of and interest on the hereinafter authorized bonds and to pay such other expenses as may be incurred on account of the bonds.

**THEREFORE, BE IT RESOLVED** as follows:

**PLANS AND SPECIFICATIONS – ESTIMATES OF PERIOD OF USEFULNESS AND COST.** The plans and specifications for the 2019 Project and the estimates of \$8,493,700 as the cost of the 2019 Project and 25 years and upwards as the period of usefulness of the 2019 Project, as submitted to this Board of Commissioners, are approved and adopted.

**AUTHORIZATION OF BONDS – PURPOSE.** Bonds of the County aggregating the principal sum of not to exceed Seven Million Two Hundred Fifty Thousand Dollars (\$7,250,000) (the “Bonds”) shall be issued and sold pursuant to the provisions of this Resolution, Act 185, and other applicable laws, for the purpose of paying part of the cost of acquiring and constructing the 2019 Project.

**BOND DETAILS.** The bonds shall be designated “Sewage Disposal Bonds (Septage Receiving Station), Series 2019; shall be dated the date of delivery or as of such other date as approved by the Director of the Department of Public Works (the “Director”) at the time of sale; shall be numbered from 1 upwards; shall be fully registered; shall be in the denomination of \$5,000 each or any integral multiple thereof not exceeding the aggregate principal amount for each maturity at the option of the purchaser thereof; shall bear interest at a rate or rates not exceeding 6% per annum to be determined by the Director upon the sale thereof, payable on May 1 and November 1, in such years as shall be determined by the Director at the time of sale; and shall mature on May 1, in such years and in such amounts as shall be determined by the Director at the time of sale, provided that the final maturity shall be not later than May 1, 2044.

**PAYMENT OF PRINCIPAL AND INTEREST.** The principal of and interest on the Bonds shall be payable in lawful money of the United States. Principal shall be payable upon presentation and surrender of the Bonds to the bond registrar and paying agent as they severally mature. Interest shall be paid to the registered owner of each bond as shown on the registration books at the close of business on the 15th day of the calendar month preceding the month in which the interest payment is due. Interest shall be paid when due by check or draft drawn upon and mailed by the bond registrar and paying agent to the registered owner at the registered address.

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**BOOK-ENTRY-ONLY SYSTEM.** Initially, one fully-registered Bond for each maturity, in the aggregate amount of such maturity, shall be issued in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”) for the benefit of other parties (the “Participants”) in the book-entry-only transfer system of DTC. In the event the County determines that it is in the best interest of the County not to continue the book-entry-only system of transfer or that the interests of the holders of the Bonds might be adversely affected if the book-entry-only system of transfer is continued, the County may notify DTC and the bond registrar and paying agent, whereupon DTC will notify the Participants of the availability through DTC of bond certificates. In such event, the bond registrar and paying agent shall deliver, transfer and exchange bond certificates as requested by DTC and any Participant or “beneficial owner” in appropriate amounts in accordance with this Resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the County and the bond registrar and paying agent and discharging its responsibilities with respect thereto under applicable law or the County may determine that DTC is incapable of discharging its duties and may so advise DTC. In either such event, the County shall use reasonable efforts to locate another securities depository. Under such circumstances (if there is no successor securities depository), the County and the bond registrar and paying agent shall be obligated to deliver bond certificates in accordance with the procedures established by this Resolution. In the event bond certificates are issued, the provisions of this Resolution shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of and interest on such certificates. Whenever DTC requests the County and the bond registrar and paying agent to do so, the County and the bond registrar and paying agent shall cooperate with DTC in taking appropriate action after reasonable notice to make available one or more separate certificates evidencing the Bonds to any Participant having Bonds certificated to its DTC account or to arrange for another securities depository to maintain custody of certificates evidencing the Bonds.

Notwithstanding any other provision of this Resolution to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of, interest on and redemption premium, if any, on the Bonds and all notices with respect to the Bonds shall be made and given, respectively, to DTC as provided in the Blanket Issuer Letter of Representations between DTC and the County. The Director is authorized to sign additional documents on behalf of the County in such form as the Director deems necessary or appropriate in order to accomplish the issuance of the Bonds in accordance with law and this Resolution. Notwithstanding any other provision of this Resolution to the contrary, if the Director deems it to be in the best interest of the County, the Bonds shall not initially be issued through the book-entry-only transfer system of DTC.

**BOND REGISTRAR AND PAYING AGENT.** The Board of Commissioners hereby designates, and the Director may enter into an agreement with The Huntington National Bank, Grand Rapids, Michigan, as bond registrar and paying agent for the Bonds. The Director from time to time as required may designate a successor bond registrar and paying agent which shall be a bank or trust company located in the State of Michigan which is qualified to act in such capacity under the laws of the United States of America or the State of Michigan.

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PRIOR REDEMPTION.

(a) Mandatory Prior Redemption. If any of the Bonds are designated by the original purchaser as term bonds such Bonds shall be subject to mandatory prior redemption at par and accrued interest as determined by the Director at the time of sale of the Bonds and upon the terms and conditions set forth in the form of bond contained in Section 10 hereof. The bonds to be redeemed shall be selected by lot.

(b) Optional Prior Redemption. The Bonds may be subject to optional redemption prior to maturity as determined by the Director at the time of sale of the Bonds.

EXECUTION, AUTHENTICATION AND DELIVERY OF THE BONDS. The Bonds shall be executed in the name of the County by the manual or facsimile signatures of the Chairperson of the Board of Commissioners and the County Clerk and authenticated by the manual signature of an authorized representative of the bond registrar and paying agent, and the seal of the County (or a facsimile thereof) shall be impressed or imprinted on the Bonds. After the Bonds have been executed and authenticated for delivery to the original purchaser thereof, they shall be delivered by the County Treasurer to the purchaser upon receipt of the purchase price. Additional Bonds bearing the facsimile signatures of the Chairperson of the Board of Commissioners and the County Clerk and upon which the seal of the County (or a facsimile thereof) is impressed or imprinted may be delivered to the bond registrar and paying agent for authentication and delivery in connection with the exchange or transfer of Bonds. The bond registrar and paying agent shall indicate on each Bond the date of its authentication.

EXCHANGE AND TRANSFER OF BONDS. Any Bond, upon surrender thereof to the bond registrar and paying agent with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney, at the option of the registered owner thereof, may be exchanged for Bonds of any other authorized denominations of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Bond.

Each Bond shall be transferable only upon the books of the County, which shall be kept for that purpose by the bond registrar and paying agent, upon surrender of such Bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney.

Upon the exchange or transfer of any Bond, the bond registrar and paying agent on behalf of the County shall cancel the surrendered Bond and shall authenticate and deliver to the transferee a new Bond or Bonds of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Bond. If, at the time the bond registrar and paying agent authenticates and delivers a new Bond pursuant to this section, payment of interest on the Bonds is in default, the bond registrar and paying agent shall endorse upon the new Bond the following: "Payment of interest on this bond is in default. The last date to which interest has been paid is \_\_\_\_\_, \_\_\_\_."

The County and the bond registrar and paying agent may deem and treat the person in whose name any Bond shall be registered upon the books of the County as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bond and for all other purposes, and all payments made to any such registered owner, or upon his order, in accordance with the provisions of Section 4 of this Resolution shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the County nor the bond registrar and paying agent shall be affected by any notice to the contrary. The County agrees to indemnify and save the bond registrar and paying agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

For every exchange or transfer of Bonds, the County or the bond registrar and paying agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

The bond registrar and paying agent shall not be required to transfer or exchange Bonds or portions of Bonds which have been selected for redemption.

FORM OF BONDS. The Bonds shall be in substantially the following form:

## UNITED STATES OF AMERICA

STATE OF MICHIGAN  
COUNTY OF LIVINGSTONSEWAGE DISPOSAL BOND (SEPTAGE RECEIVING STATION),  
SERIES 2019

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATE OF ORIGINAL ISSUE</u>	<u>CUSIP</u>
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Registered Owner:

Principal Amount:

The County of Livingston (the "County"), State of Michigan, acknowledges itself indebted to, and for value received, promises to pay to the Registered Owner, or registered assigns, the Principal Amount on the Maturity Date, unless redeemed prior thereto as hereinafter provided, upon presentation and surrender of this bond at the corporate trust office of The Huntington National Bank, Grand Rapids, Michigan, the bond registrar and paying agent, and to pay to the Registered Owner, as shown on the registration books of the County maintained by the bond registrar and paying agent, as of the close of business on the 15th day of the calendar month preceding the month in which an interest payment is due, by check or draft drawn upon and mailed by the bond registrar and paying agent by first class mail postage prepaid to the Registered Owner at the registered address, interest on the Principal Amount from the Date of Original Issue or such later date through which interest shall have been paid until the obligation of the County with respect to the payment of the Principal Amount is discharged at the Interest Rate per annum specified above. Interest is payable on the first days of May and November in each year, commencing on \_\_\_\_ 1, 20\_\_\_. Principal and interest are payable in lawful money of the United States of America. Interest shall be computed on the basis on a 360 day year of twelve 30-day months.

This bond is one of a series of bonds aggregating the principal sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) issued by the County under and pursuant to and in full conformity with the Constitution and statutes of Michigan (especially Act no. 185, Public Acts of 1957, as amended) and a bond authorizing resolution adopted by the Board of Commissioners of the County on July \_\_\_\_, 2019 (the "Resolution"), for the purpose of paying part of the cost of acquiring and constructing improvements to a sewage disposal facility located in the Township of Hartland in the County. The

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bonds are issued in anticipation of payments to be made by the County pursuant to law. The full faith and credit of the County are hereby pledged to such payments and to the prompt payment of the principal of, premium, if any, and interest on the bonds of this series. The County is obligated and hereby agrees to make sure payments from its general funds as a first budget obligation and is obligated, and hereby agrees, to levy a tax, if necessary, on all taxable property in the County in an amount sufficient to make such payments, subject to applicable constitutional and statutory tax limitations on the taxing power of the County. Taxes levied by the County to pay the principal of and interest on the bonds of this series are subject to constitutional and statutory tax limitations.

This bond is transferable, as provided in the Resolution, only upon the books of the County kept for that purpose by the bond registrar and paying agent, upon the surrender of this bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the Registered Owner or his attorney duly authorized in writing. Upon the exchange or transfer of this bond a new bond or bonds of any authorized denomination, in the same aggregate principal amount and of the same interest rate and maturity, shall be authenticated and delivered to the transferee in exchange therefor as provided in the Resolution, and upon payment of the charges, if any, therein provided. Bonds so authenticated and delivered shall be in the denomination of \$5,000 or any integral multiple thereof not exceeding the aggregate principal amount for each maturity.

[The bond registrar and paying agent shall not be required to transfer or exchange bonds or portions of bonds which have been selected for redemption.]

#### MANDATORY PRIOR REDEMPTION

Bonds maturing in the year 20\_\_ are subject to mandatory prior redemption at par and accrued interest as follows:

<u>Redemption Date</u>	<u>Principal Amount of Bonds to be Redeemed</u>
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Bonds or portions of bonds to be redeemed by mandatory redemption shall be selected by lot.

Bonds maturing prior to \_\_\_\_ 1, 20\_\_ are not subject to optional redemption prior to maturity. Bonds maturing on and after \_\_\_\_ 1, 20\_\_ are subject to redemption prior to maturity at the option of the County, in such order as shall be determined by the County, on any date occurring on and after \_\_\_\_ 1, 20\_\_. Bonds of a denomination greater than \$5,000 may be partially redeemed in the amount of \$5,000 or any integral multiple thereof. If less than all of the bonds maturing in any year are to be redeemed, the bonds or portions of bonds to be redeemed shall be selected by lot. The redemption price shall be the par value of the bond or portion of the bond called to be redeemed plus interest to the date fixed for redemption.

Not less than thirty days' notice of redemption shall be given by first-class mail to the registered owners of bonds called to be redeemed at their registered addresses. Failure to receive notice of redemption shall not affect the proceedings for redemption. Bonds or portions of bonds called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the bond registrar and paying agent to redeem the same.]



It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the bonds of this series, existed, have happened and have been performed in due time, form and manner as required by law, and that the total indebtedness of the County, including the series of bonds of which this bond is one, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the County of Livingston, Michigan, by its Board of Commissioners, has caused this bond to be executed in its name by the manual or facsimile signatures of the Chairperson of the Board of Commissioners and the County Clerk and its County seal (or a facsimile thereof) to be impressed or imprinted hereon. This bond shall not be valid unless the Certificate of Authentication has been manually executed by an authorized representative of the bond registrar and paying agent.

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**MOVED:** D. Dolan  
**SECONDED:** G. Childs  
**CARRIED:** Roll Call Vote: Yes (8): D. Dolan, G. Childs, W. Green, W. Nakagiri,  
D. Helzerman, R. Bezotte, C. Griffith, and D. Parker,; No (0): None;  
Absent (1): K. Lawrence

# COUNTY OF LIVINGSTON

By: \_\_\_\_\_  
DONALD S. PARKER  
Its: Chairperson, Board of Commissioners

(SEAL)

And: \_\_\_\_\_  
ELIZABETH HUNDLEY  
Its: County Clerk

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CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within mentioned Resolution.

\_\_\_\_\_  
Bond Registrar and Paying Agent

By: \_\_\_\_\_  
Authorized Signer

AUTHENTICATION DATE:

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ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

\_\_\_\_\_  
(please print or type name, address and taxpayer identification number of transferee) the within bond  
and all rights thereunder and hereby irrevocably constitutes and appoints

\_\_\_\_\_  
attorney to transfer the within bond on the books kept for registration thereof, with full power of  
substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed: \_\_\_\_\_

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities  
Transfer Association recognized signature guarantee program.

END OF BOND FORM

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**SECURITY.** The Bonds shall be issued in anticipation of payments to be made by the County pursuant to Act 185, which provides that the County may contract to pay the costs of the 2019 Project. The full faith and credit of the County are hereby pledged to such payments and to the payment of the principal of, premium, if any, and interest on the Bonds. The County is obligated and hereby agrees to make such payments from its general funds as a first budget obligation and is obligated, and hereby agrees, to levy a tax, if necessary, on all taxable property in the County in an amount sufficient to make such payments, subject to applicable constitutional and statutory limitations on the taxing power of the County.

**DEFEASANCE.** In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay, at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, or any portion thereof, shall have been deposited in trust, this Bond Resolution shall be defeased with respect to such Bonds, and the owners of the Bonds shall have no further rights under this Bond Resolution except to receive payment of the principal of, premium, if any, and interest on such Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

**PRINCIPAL AND INTEREST FUND.** There shall be established for the Bonds a Principal and Interest Fund which shall be kept in a separate bank account. From the proceeds of the sale of the Bonds there shall be set aside in the Principal and Interest Fund any accrued interest received from the purchaser of the Bonds at the time of delivery of the same. All payments made by the County pursuant to Act 185 and other applicable law to pay the principal of, premium, if any, and interest on the Bonds shall be placed in the Principal and Interest Fund.

**CONSTRUCTION FUND.** The remainder of the proceeds of the sale of the Bonds shall be set aside in a construction fund for the 2019 Project and used, together with other moneys available to the County, if any, to acquire and construct the 2019 Project in accordance with the plans and specifications therefor.

**APPROVAL OF MICHIGAN DEPARTMENT OF TREASURY.** The issuance and sale of the Bonds shall be subject to permission being granted therefor by the Department of Treasury of the State of Michigan pursuant to Act 34, Public Acts of Michigan, 2001, as amended, and, if necessary, the Director is authorized and directed to make application to the Department of Treasury for permission to issue and sell the Bonds as provided by the terms of this Bond Resolution.

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SALE, ISSUANCE, DELIVERY, TRANSFER AND EXCHANGE OF BONDS. The Bonds shall be sold at a competitive sale as hereinafter provided. The Director is hereby authorized to approve an Official Notice of Sale for the Bonds and publish the same in accordance with law in *The Bond Buyer* at least seven days before the date set for the sale of the Bonds. Sealed bids for the purchase of the Bonds shall be received up to such time as shall hereafter be determined by the Director. Following the receipt of bids for the Bonds, the Bonds shall be awarded to the successful bidder therefor pursuant to a written order (the "Sale Order") to be executed by the Director at the time of sale of the Bonds and which shall set forth, with respect to the Bonds, the principal amount, principal maturities and dates, interest rates and interest payment dates, redemption provisions, if any, and purchase price to be paid by the purchaser, as well as such other terms and provisions as the Director determines to be necessary or appropriate in connection with the sale of the Bonds. The members of the Board of Public Works, the Director and other appropriate County officials are authorized to do all things necessary to effectuate the sale, issuance, delivery, transfer and exchange of the Bonds in accordance with the provisions of this Resolution. In making the determination in the Sale Order with respect to principal maturities and dates, interest rates, and purchase price of the Bonds, the Director shall be limited as follows:

The interest rate on any Bond shall not exceed 6% per annum.

The final maturity date of the Bonds shall not be later than May 1, 2044.

(c) The purchase price of the Bonds shall not be less than 99% of the principal amount thereof.

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**REPLACEMENT OF BONDS.** Upon receipt by the Director of proof of ownership of an unmatured Bond, of satisfactory evidence that the Bond has been lost, apparently destroyed or wrongfully taken and of security or indemnity which complies with applicable law and is satisfactory to the Director, the Director may authorize the bond registrar and paying agent to deliver a new executed Bond to replace the Bond lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event an outstanding matured Bond is lost, apparently destroyed or wrongfully taken, the Director may authorize the bond registrar and paying agent to pay the Bond without presentation upon the receipt of the same documentation required for the delivery of a replacement Bond. The bond registrar and paying agent, for each new Bond delivered or paid without presentation as provided above, shall require the payment of expenses, including counsel fees, which may be incurred by the bond registrar and paying agent and the County in the premises. Any Bond delivered pursuant the provisions of this section in lieu of any Bond lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the Bond in substitution for which such Bond was delivered.

**TAX COVENANT.** The County covenants to comply with all requirements of the Internal Revenue Code of 1986, as amended, necessary to assure that the interest on the Bonds will be and will remain excludable from gross income for federal income tax purposes. The Director and other appropriate County and Board of Public Works officials are authorized to do all things necessary to assure that the interest on the Bonds will be and will remain excludable from gross income for federal income tax purposes.

**QUALIFIED TAX EXEMPT OBLIGATIONS.** The Bonds are hereby designated as Qualified Tax Exempt Obligations as described in Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended, such designation to be confirmed by the Director at the time of publication of the Official Notice of Sale.

**OFFICIAL STATEMENT.** The Director is authorized to cause the preparation of an official statement for the Bonds for the purpose of enabling compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule") by the successful bidder or bidders and shall do all other things necessary to enable compliance with the Rule by the successful bidder or bidders. After the award of the Bonds, the County will provide copies of a "final official statement" (as defined in paragraph (e)(3) of the Rule) on a timely basis and in reasonable quantity as requested by the successful bidder or bidders to enable such bidder or bidders to comply with paragraph (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board.

**CONTINUING DISCLOSURE.** The Treasurer of the County is authorized to execute and deliver in the name and on behalf of the County (i) a certificate to comply with the requirements for a continuing disclosure undertaking pursuant to subsection (b)(5) of the Rule and (ii) amendments to such certificate from time to time in accordance with the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The County hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. The remedies for any failure of the Board to comply with and carry out the provisions of the Continuing Disclosure Certificate shall be as set forth therein.

REDUCTION IN PRINCIPAL AMOUNT OF BOND ISSUE. If the Director shall determine that it is not necessary to sell Bonds in the principal amount of Seven Million Two Hundred Fifty Thousand Dollars (\$7,250,000), he may by order reduce the principal amount of Bonds to be sold to that amount deemed necessary. In such event, the Director shall reduce the amount of Bonds maturing in any one or more years as necessary.

CONFLICTING RESOLUTIONS. All resolutions and parts of resolutions insofar as they may be in conflict herewith are hereby rescinded.

BLOOMFIELD 9888-32 2392993v3