



# LIVINGSTON COUNTY BOARD OF COMMISSIONERS

## MEETING AGENDA

May 24, 2021, 5:30 p.m.

Board of Commissioners Hybrid Meeting

Zoom Virtual Meeting ID: 399-700-0062 / Password: LCBOC

<https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRjWkVIZz09>

304 E. Grand River Ave., Board Chambers, Howell, Michigan

*Due to current MDHHS health order limitations, public participation is encouraged via Zoom.*

*"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."*

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### Pages

1. CALL MEETING TO ORDER
2. MOMENT OF SILENT REFLECTION
3. PLEDGE OF ALLEGIANCE TO THE FLAG
4. ROLL CALL
5. CORRESPONDENCE 3
  - a. Sanilac County Resolution in Support of Legislation to Adopt 4 Year Terms for County Commissioners
  - b. Alpena County Resolution #21.09 County Revenue Sharing Fund
  - c. Menominee County Resolution #2021-15 Requesting Restoration of the County Revenue Sharing Fund
  - d. Alger County Resolution #2021-03 in Support of Local Businesses
  - e. Muskegon County Resolution #2021-01 Regarding Vaccine Passports within Muskegon County
  - f. Dickinson County Resolution #2021-11 in Support of Restoring the County Revenue Sharing Fund
6. CALL TO THE PUBLIC
7. APPROVAL OF MINUTES 11
  - a. Minutes of Meeting Dated: May 10, 2021
  - b. Minutes of Meeting Dated: May 19, 2021
8. TABLED ITEMS FROM PREVIOUS MEETINGS
9. APPROVAL OF AGENDA

**10. REPORTS**

**a. Livingston County Economic Development**

Marcia Gebarowski, Ann Arbor SPARK, Director of Livingston County  
Business Development

**11. APPROVAL OF CONSENT AGENDA ITEMS**

Resolutions 2021-05-079 through 2021-05-078

**a. 2021-05-075 17**

Resolution to Authorize Entry into a Consent Judgment in the Charter  
Township of Brighton Litigation for the Vacation of Land and Amendment  
to the Plat of the Brighton Country Club Annex Subdivision – Board of  
Commissioners

**b. 2021-05-076 18**

Resolution Authorizing Livingston County Veterans Services Build out  
Project – Veterans Services

**c. 2021-05-077 24**

Resolution Authorizing the Modification of the Part-Time Administrative  
Aide Position in the Family Support Division to a Full-Time Administrative  
Aide Position - Family Support

**d. 2021-05-078 27**

Resolution to Approve the FY 2020-2021 Hazardous Materials  
Emergency Preparedness Grant Program Award Agreement

**12. RESOLUTIONS FOR CONSIDERATION**

Resolutions 2021-05-079 and 2021-05-080

**a. 2021-05-079 56**

Resolution Authorizing Livingston County's Annual Budget Process and  
Calendar - Administration

**b. 2021-05-080 59**

Resolution Approving an Appointment to the Huron Clinton Metropolitan  
Authority Board - Board of Commissioners

**13. DISCUSSION 60**

Board and Committee Appointment Process

**14. CALL TO THE PUBLIC**

**15. ADJOURNMENT**

**RESOLUTION IN SUPPORTING PASSAGE OF LEGISLATION TO ADOPT  
4-YEAR TERMS FOR COUNTY COMMISSIONERS**

**WHEREAS**, the 1963 Michigan Constitution provides four-year terms for the county Board of Supervisors, the preceding body to today's Board of Commissioners; and

**WHEREAS**, the Legislature voted in 1966 to abolish Boards of Supervisors and formally replace them with Board of Commissioners after the 1968 election; and

**WHEREAS**, Public Act 261 of 1966 promulgated that the length of terms for the new county commissioners shall be concurrent with that of state representatives, as specified in Article IV, section 3 of the Michigan Constitution; and

**WHEREAS**, the scope of duties of a county commissioner has greatly increased in the last century – road patrols, indigent defense, mental health treatment and substance abuse prevention programming, solid waste pick-up and disposal, food and water supply, park operation, economic development efforts, emergency management and response; and

**WHEREAS**, Michigan is one of only five states in the United States that provides for exclusively two-year terms for county commissioners; and

**WHEREAS**, all other county and township elected officials in Michigan are elected to terms of at least four years; and

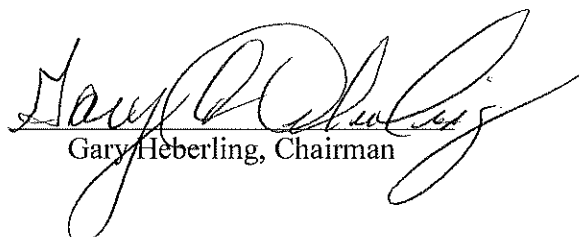
**WHEREAS**, the position of county commissioner is a highly complex oversight role that requires years to master; and

**WHEREAS**, legislation to amend state law to enact four-year terms has been filed in the form of Senate Bills 242 and 245; and

**WHEREAS**, the Michigan Association of Counties support the legislation as introduced;

**THEREFORE, BE IT RESOLVED**, the Sanilac County supports Senate Bills 242 and 245 to enact four-year terms for County Commissioners.

**BE IT FURTHER RESOLVED**, that this resolution be spread upon the proceedings of the Sanilac County Board of Commissioners this 4<sup>th</sup> day of May, 2021.

  
Gary Heberling, Chairman



**Alpena County Board of Commissioners**  
**720 W. Chisholm Street, Suite #7**  
**Alpena, MI 49707**  
**Telephone: 989-354-9500**  
**Fax: 989-354-9648**  
**Web Address: [www.alpenacounty.org](http://www.alpenacounty.org)**  
**[commissionersoffice@alpenacounty.org](mailto:commissionersoffice@alpenacounty.org)**

**RESOLUTION #21-09**  
**County Revenue Sharing Fund**

**District #2**  
**Chairman of the Board**  
**Robert Adrian**

WHEREAS, as the State of Michigan faced the great recession, they looked to find creative ways to save money in the State's general fund; and

**District #7**  
**Vice-Chairman**  
**Marty Thomson**

WHEREAS, in 2004, a deal between county governments and the State of Michigan, created a property tax collection shift which would provide for revenue sharing funds to the Counties while not relying on the State's general fund for that; and

**District #1**  
**Commissioner**  
**Don Gilmet**

WHEREAS, during this time, the proceeds from the property tax collection shift was put in a County Revenue Sharing Reserve Fund whereby a county could obtain funds from there; and

**District #3**  
**Commissioner**  
**Dave Karschnick**

WHEREAS, once a county exhausted their reserve fund, they re-entered the state revenue system where they should be receiving their full funding amount; and

**District #4**  
**Commissioner**  
**Bill Peterson**

WHEREAS, the Michigan Association of Counties has done extensive research into county revenue sharing and the impact the County Revenue Sharing Fund has had on county allocations and indicates that the State of Michigan has cumulatively shorted 60 counties of more than \$110 million between 2009 and 2014; and

**District #5**  
**Commissioner**  
**Brenda Fournier**

WHEREAS, Alpena County is one of those counties, experiencing a shortfall of \$494,016; and a cumulative shortfall of \$1,067,487 due to CPI increases being discounted after Alpena County's return to CRS; and

WHEREAS, it is time for those funds to be restored in full this year; and

**District #6**  
**Commissioner**  
**Kevin Osbourne**

WHEREAS, despite receiving federal funds through the state as part of the American Rescue Plan, the use of the federal funds is tied to COVID/pandemic related expenses; and

**District #8**  
**Commissioner**  
**John Kozlowski**

WHEREAS, while Alpena County has exhausted thousands of dollars related to the COVID-19 pandemic, we have budgeted services to provide to our citizens which are not related to COVID-19; and

**Executive Manager**  
**Tammy Sumerix-Bates**

WHEREAS, services provided by the Alpena County Courts, Prosecutor, Sheriff/Jail, County Clerk, Treasurer, Register of Deeds, Drain Commissioner, Administration and Alpena County Regional Airport are all funded in part by County Revenue Sharing and would be impacted by a restriction of funds for COVID only; and

**Board Assistant**  
**Lynn Bunting**

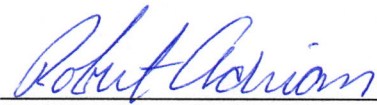
WHEREAS, a portion of the revenue sharing also goes to support operations of other functions that requires an investment of local county matching funds to accept federal or state funded programs.

**Board Admin Assistant**  
**Kim Elkie**



NOW, THEREFORE, BE IT HEREBY RESOLVED that the Alpena County Board of Commissioners calls upon state leaders to restore the County Revenue Sharing Fund and to provide a one-time payment of the cumulative shortfall.

Moved by Commissioner Gilmet and supported by Commissioner Thomson to adopt Resolution #21-09 as presented. Roll call vote was taken: AYES: Gilmet, Karschnick, Peterson, Osbourne, Thomson, Kozlowski and Adrian. NAYS: None. Excused: Commissioner Fournier. Motion carried.



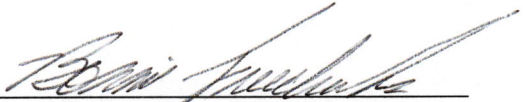
Robert Adrian, Chairman  
Alpena County Board of Commissioners  
April 27, 2021

STATE OF MICHIGAN)  
County of Alpena)



I the undersigned, being duly qualified and acting Clerk of Alpena County, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Alpena County Board of Commissioners at a regular meeting held on the 27th day of April 2021, and that notice of said meeting was given in accordance with the Open Meetings Act.

IN TESTIMONY THEREOF, I have hereunto set my hand and affixed the seal of said Court, at Alpena this 27th day of April 2021.



Bonnie Friedrichs, Alpena County Clerk

*"Menominee County – Where the Best of Michigan Begins"*

## **MENOMINEE COUNTY BOARD OF COMMISSIONERS**

*Menominee County Courthouse  
839 10<sup>th</sup> Avenue  
Menominee, MI 49858  
www.menomineecounty.com*

*Jason Carviou – County Administrator  
Sherry DuPont – Administrative Assistant  
Telephone: (906) 863-7779 or 863-9648  
Fax: (906) 863-8839*

### **RESOLUTION – 2021-15**

#### ***RESOLUTION REQUESTING THAT THE STATE OF MICHIGAN FULFILLS ITS STATUTORY OBLIGATION WITH REGARD TO STATE REVENUE SHARING PAYMENTS***

**WHEREAS**, in 2004 an agreement was made between the State of Michigan and the counties that eliminated county revenue sharing payments for a period of time during which counties were allowed to pay themselves an equivalent amount to their statutory revenue sharing payments. Each proceeding year the Michigan Department of Treasury authorized each county an inflationary increase over the base amount established in 2004; and

**WHEREAS**, this agreement saved the State of Michigan from allocating general fund dollars by funding the County Revenue Sharing Reserve Fund (CRSRF) through a property tax collection shift. However, once a county exhausted their reserve fund, they were to re-enter the state revenue sharing system. By statute, the State was required to allocate the county their full revenue sharing amount when they re-entered the system. Full-funding is defined as the 2004 base amount plus inflation until the county re-entered the system; and

**WHEREAS**, counties that re-entered the state revenue sharing system prior to 2014 endured cuts to their base revenue sharing payments that were never restored. Counties that re-entered the system after 2014 did not endure the same cuts to their base revenue sharing payments; and

**WHEREAS**, the Michigan Association of Counties has identified 61 counties that endured cuts to their base revenue sharing payments, which together accounts for a cumulative shortfall in revenue sharing payments to the counties of \$117,617,804; and

**WHEREAS**, Menominee County re-entered the state revenue sharing system in 2012 and is owed \$229,938 from the State of Michigan; and


**WHEREAS**, the State of Michigan may question the necessity of making these payments to the counties now in light of the counties slated to receive COVID-19 funding from the American Rescue Plan; however, those funds are tied to a number of restrictions on how the money can be used. County revenue sharing payments is unrestricted and can be used as necessary.

**NOW THEREFORE, BE IT RESOLVED**, that the Menominee County Board of Commissioners calls upon the State of Michigan to fulfill its statutory obligation to the counties that were shorted on their county revenue sharing payments.

**BE IT FURTHER RESOLVED**, that a copy of Resolution 2021-15 be sent to Representative Beau LaFave, Senator Ed McBroom, Governor Gretchen Whitmer, the Michigan Association of Counties, and to each county in the State of Michigan.

Roll call vote: AYES: 8 NAYS: 0

**RESOLUTION DECLARED ADOPTED.**

  
Larry Phelps, Chairman

5/11/2021  
Date

STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF MENOMINEE. )

I hereby certify that the foregoing is a true and complete copy of **Resolution 2021-15** adopted by the County Board of Commissioners at a regular meeting held on **May 11, 2021**, and I further certify that the public notice of such meeting was given as provided by law.

  
Marc Kleiman, Menominee County Clerk

ALGER COUNTY BOARD OF COMMISSIONERS

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

**RESOLUTION #2021-03**

**IN SUPPORT OF LOCAL BUSINESSES**

**WHEREAS**, the novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death; and

**WHEREAS**, the Alger County Board of Commissioners recognizes that COVID-19 is having direct impacts on all County residents, impacts which include, but are not limited to, physical and mental health care difficulties, educational constraints, and financial strains; and

**WHEREAS**, the Alger County Board of Commissioners understands that many local businesses have suffered and continue to suffer economic harm due to COVID-19; and

**WHEREAS**, the Alger County Board of Commissioners furthermore recognizes that the local hospitality industry is being hit particularly hard with financial losses due to COVID-19; and

**WHEREAS**, the Alger County Board of Commissioners believes that the ability of County residents and visitors to patronize local restaurants, hotels, recreation venues, etc., contributes substantially to the overall well-being of the County; and

**WHEREAS**, the Alger County Board of Commissioners is aware of many options to support Alger County small businesses, such as ordering takeout food, making advance reservations, and purchasing gift cards.

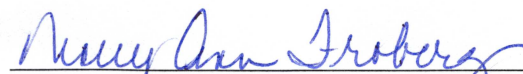
**NOW THEREFORE, BE IT RESOLVED**, that the Alger County Board of Commissioners encourages County residents to support local businesses at all times, but particularly during this global pandemic.

**BE IT FURTHER RESOLVED**, that copies of this resolution be transmitted to Governor Whitmer, both Speakers of the House of Representative and the Senate, along with the Michigan Association of Counties and all Counties within Michigan.

**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: April 19, 2021





Muskegon County Board of Commissioners



Muskegon County Resolution Regarding Vaccine Passports  
within the Boundaries of Muskegon County

Resolution #2021-01

WHEREAS, medical records and information are private and fall under HIPAA protections; and

WHEREAS, individual COVID-19 vaccination records are private health information which should not be shared by mandate; and

WHEREAS, COVID-19 vaccine passports reduce individual freedom and will harm patient privacy; and

WHEREAS, all currently available COVID-19 vaccines are authorized for emergency use, and therefore must remain voluntary under the Nuremberg Trial Codes; and

WHEREAS, Muskegon County Department of Public Health seeks to ensure that every resident in Muskegon County who desires a COVID-19 vaccine can obtain one, but such vaccines are not mandated; and

WHEREAS, no COVID-19 vaccine is required by law; and

WHEREAS, Muskegon County Department of Public Health and MDHHS acknowledge there are many instances where an individual, along with their doctor, decide that being vaccinated may be unsafe; and

WHEREAS, requiring COVID-19 vaccine passports for taking part in everyday life such as, but not limited to, attending a sporting event, patronizing a restaurant, or going to a movie theater would create two classes of citizens based on vaccination; and

WHEREAS, the State of Michigan allows for medical, religious, and philosophical exemptions from vaccines; and

WHEREAS, vaccine passports do not take into consideration the large number of citizens who have contracted and recovered from COVID-19 and are therefore naturally immune; and

WHEREAS, the CDC, MDHHS, and the Muskegon County Department of Public Health acknowledge that it is possible for vaccinated individuals to contract and spread COVID-19; and

WHEREAS, because vaccinated individuals could be able to contract and spread COVID-19, a space where only vaccinated individuals are present holds the same risk as a space where individuals are both vaccinated and unvaccinated; and

WHEREAS, vaccine passports are thus highly discriminatory; and

WHEREAS, it is necessary to protect the fundamental rights and privacies of the residents of Muskegon County and the free flow of commerce.

NOW THEREFORE, BE IT RESOLVED THAT: Muskegon County does not support, endorse or enforce mandatory vaccines or vaccine passports in government buildings, public spaces, businesses or places of employment.

BE IT FURTHER RESOLVED: That a copy of this Resolution be sent to Governor Whitmer, Senator Jon Bumstead, Representative Terry Sabo, Representative Greg VanWoerkom, the Michigan Senate, the Michigan House of Representatives, Michigan Association of Counties and to the Clerk of each County in the State of Michigan.

\*\*\*\*\*

The Muskegon County Board of Commissioners, at its May 11, 2021, meeting recommended approval by Commissioner Lahring, support by Commissioner Brown, the aforementioned resolution.

Ayes: Kim Cyr, Doug Brown, Zach Lahring, Malinda Pego, Robert Scolnik  
Nayes: Marcia Hovey-Wright, Susie Hughes, Charles Nash, Rillastine Wilkins

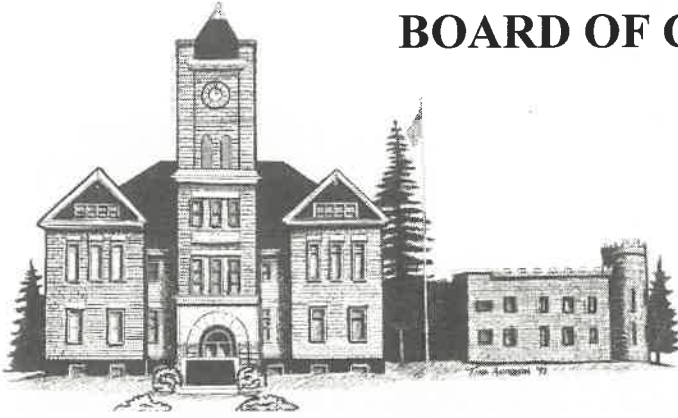
I, Nancy A. Waters, Clerk of the Muskegon County Board of Commissioners and Clerk of the County of Muskegon, do hereby certify that the above Resolution was duly adopted by said Board on May 11, 2021.

Nancy A. Waters 5-14-2021  
Nancy A. Waters, Clerk Date  
County of Muskegon  
Robert Scolnik 5/14/2021  
Robert Scolnik, Chair Date  
Muskegon County Board of Commissioners





# DICKINSON COUNTY BOARD OF COMMISSIONERS



*Board Chairman: Henry Wender*  
*Vice Chairman: Barbara J. Kramer*  
*Commissioners: John P. Degenaer, Jr.*  
*Joe Stevens*  
*Ann Martin*

*Controller/Administrator: Brian Bousley*  
*Administrative Assistant: Christy Paul*

## DICKINSON COUNTY RESOLUTION 2021-11

### RESOLUTION IN SUPPORT OF THE STATE OF MICHIGAN TO FULFILL ITS STATUTORY OBLIGATIONS WITH REGARD TO STATE REVENUE SHARING PAYMENT AMOUNTS

**WHEREAS**, in 2005 State Revenue Sharing payments were discontinued to counties, relieving the State Budget of \$183 million in annual State Revenue Sharing payments to counties, with the promise and agreement that these payments would be restored when each of the individual counties Revenue Sharing Reserve Fund were exhausted

**WHEREAS**, Dickinson County's Revenue Sharing Reserve Fund was exhausted in 2013; and

**WHEREAS**, the Michigan Association of Counties has identified 60 Michigan counties that have received less than the statutorily required amount of State Revenue Sharing since Revenue Sharing Reserve Funds were exhausted; and

**WHEREAS**, The Michigan Association of Counties has identified a \$411,914 cumulative shortfall in State Revenue Sharing payments to Dickinson County since 2013; and

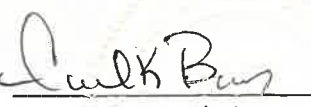
**WHEREAS**, with the influx of American Rescue Plan funds to the State of Michigan, there are sufficient funds available to make counties whole with regard to State Revenue Sharing payment shortfalls; and

**WHEREAS**, unlike Dickinson County's allocation from the American Rescue Plan, the payment of the State Revenue Sharing shortfall will not be restricted to COVID-19 related expenses thereby making it eligible for critical infrastructure projects, pension fund or OPEB contributions and other expenditures.

**THEREFORE, BE IT RESOLVED**, that the Dickinson County Board of Commissioners does hereby support and urge the State of Michigan to fulfill its statutory obligations with regard to State Revenue Sharing payments for all 60 Michigan counties identified by the Michigan Association of Counties that received less than their statutorily required amounts.

**BE IT FURTHER RESOLVED**, that the County Clerk shall send copies of this resolution to the Governor of the State of Michigan, the Majority Leader for the Michigan Senate, the Speaker of the Michigan House of Representatives, and Dickinson County's State Legislative delegation for their consideration and action.

  
Henry Wender- Chair

  
Carol Bronzyk-Clerk

  
Date

# LIVINGSTON COUNTY BOARD OF COMMISSIONERS

## MEETING MINUTES



May 10, 2021, 5:30 P.M.

Board of Commissioners Hybrid Meeting

Zoom Virtual Meeting ID: 399-700-0062 / Password: LCBOC

<https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRjWkVIZz09>

304 E. Grand River Ave., Board Chambers, Howell, Michigan

Members Present: Wes Nakagiri, Carol Griffith, Kate Lawrence, Carol Sue Reader, Douglas Helzerman, Jay Drick, Mitchell Zajac, Jay Gross, and Brenda Plank

### 1. CALL MEETING TO ORDER

The meeting was called to order by Chairman Wes Nakagiri at 5:30 p.m.

### 2. MOMENT OF SILENT REFLECTION

### 3. PLEDGE OF ALLEGIANCE TO THE FLAG

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

### 4. ROLL CALL

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

### 5. CORRESPONDENCE

- a. Alger County Resolution #2021-03
- b. Bay County Resolution #2021-58
- c. Grand Traverse Resolution #38-2021
- d. Wexford County Resolution #21-13

Motion to receive and place on file the correspondence.

It was moved by K. Lawrence

Seconded by J. Gross

Roll Call Vote: Yes (9): K. Lawrence, W. Nakagiri, C. Griffith, C. Reader, D. Helzerman, J. Drick, M. Zajac, J. Gross, and B. Plank; No (0): None; Absent (0): None

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

### 6. CALL TO THE PUBLIC

The following people spoke regarding Resolution 2021-050-070; Jessica Barefield, Putnam Township; Judy Daubenmier, Brighton; Emily Kallunki-Pasternak, Brighton Township; Jessica Hamlin, Oceola Township; Giani Cazan, Howell Township; John Wallbank, Genoa Township; and Alena, Howell.

**7. APPROVAL OF MINUTES**

- a. Minutes of Meeting Dated: April 26, 2021
- b. Minutes of Meeting Dated: May 5, 2021

Motion to approve the minutes as presented.

It was moved by K. Lawrence  
Seconded by M. Zajac

Roll Call Vote: Yes (9): K. Lawrence, W. Nakagiri, C. Griffith, C. Reader, D. Helzerman, J. Drick, M. Zajac, J. Gross, and B. Plank; No (0): None; Absent (0): None

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

**8. TABLED ITEMS FROM PREVIOUS MEETINGS**

None.

**9. APPROVAL OF AGENDA**

Motion to approve the Agenda as presented.

It was moved by D. Helzerman  
Seconded by B. Plank

Roll Call Vote: Yes (9): D. Helzerman, W. Nakagiri, C. Griffith, K. Lawrence, C. Reader, J. Drick, M. Zajac, J. Gross, and B. Plank; No (0): None; Absent (0): None

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

**10. REPORTS**

**10.a 1st Quarter 2021 Employee Recognition**

James (Jim) Berry, Building Inspector/Plan Reviewer

Commissioner Nakagiri presented James Berry with his award.

Commissioner Lawrence recognized Jim Rowell of the Building Department.

Commissioner Zajac updated his ongoing work with Commissioner Plank and the local educators. In addition, the Community Grant Funding Grant project was not selected and the build out of the new Veterans' Services Department is moving quickly and will be going to Finance to expedite the process.

Commissioner Nakagiri encouraged everyone to read the FOIA resolution as it relates to the MIOSHA orders.

**11. APPROVAL OF CONSENT AGENDA ITEMS**

Resolutions 2021-05-066 through 2021-05-071

Motion to approve the resolution on the Consent Agenda.

It was moved by C. Reader  
Seconded by J. Gross

Roll Call Vote: Yes (9): C. Reader, W. Nakagiri, C. Griffith, K. Lawrence, D. Helzerman, J. Drick, M. Zajac, J. Gross, and B. Plank; No (0): None; Absent (0): None

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

**11.a 2021-05-066**

Resolution to Call upon State Leaders to Restore the Revenue Sharing Fund - Board of Commissioners

**11.b 2021-05-067**

Resolution Authorizing the County Treasurer to Establish the 2020 Delinquent Tax Fund - Treasurer

**11.c 2021-05-068**

Resolution Authorizing Reorganization of the Facility Services

**11.d 2021-05-069**

Resolution Authorizing a Master Agreement Contract Renewal with Windstream for Telephone Service and Internet Services - Information Technology

**11.e 2021-05-070**

Resolution Authorizing the Issuance of FOIA Requests for documents supporting an extension of the MIOSHA COVID-19 Emergency Rules - Board of Commissioners

**11.f 2021-05-071**

Resolution Authorizing Livingston County to Host a Cooperative Contract for Covid-19 Relief Consulting Services for Michigan Counties and Other Municipalities through the Michigan Association of Counties CoPro+ Program – County Administration

**12. RESOLUTIONS FOR CONSIDERATION**

Resolutions 2021-05-072 and 2021-05-073

**12.a 2021-05-072**

Resolution Authorizing the Purchase of MERS Service Credit by Deputy Kevin Crane – Sheriff

Motion to adopt the Resolution.

It was moved by D. Helzerman  
Seconded by J. Gross

Roll Call Vote: Yes (8): D. Helzerman, C. Griffith, K. Lawrence, C. Reader, J. Drick, M. Zajac, J. Gross, and B. Plank; No (1): W. Nakagiri; Absent (0): None

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

**12.b 2021-05-073**

Resolution Authorizing the Acceptance of the County Clerk's 2020 Annual Report - County Clerk

It was moved by M. Zajac  
Seconded by K. Lawrence

Roll Call Vote: Yes (9): M. Zajac, W. Nakagiri, C. Griffith, K. Lawrence, C. Reader, D. Helzerman, J. Drick, J. Gross, and B. Plank; No (0): None; Absent (0): None

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

**13. CALL TO THE PUBLIC**

The following people spoke regarding Resolution 2021-05-070; Judy Daubenmier, Brighton; Lori Cowan, Unadilla Township; and Sean Greer, Howell.

**14. ADJOURNMENT**

Motion to adjourn the meeting at 6:22 p.m.

It was moved by D. Helzerman

Seconded by M. Zajac

Roll Call Vote: Yes (9): D. Helzerman, W. Nakagiri, C. Griffith, K. Lawrence, C. Reader, J. Drick, M. Zajac, J. Gross, and B. Plank; No (0): None; Absent (0): None

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

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Elizabeth Hundley, Livingston County Clerk

UNAPPROVED



**LIVINGSTON COUNTY BOARD OF COMMISSIONERS**  
**MEETING MINUTES**



May 19, 2021

IMMEDIATELY FOLLOWING THE FINANCE COMMITTEE

Board of Commissioners Hybrid Meeting

Zoom Virtual Meeting ID: 399-700-0062 / Password: LCBOC

<https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRjWkVIZz09>

304 E. Grand River Ave., Board Chambers, Howell, Michigan

Members Present: Wes Nakagiri, Carol Griffith, Kate Lawrence, Carol Sue Reader, Douglas Helzerman, Jay Drick, Mitchell Zajac, Jay Gross, and Brenda Plank

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**1. CALL MEETING TO ORDER**

The meeting was called to order by Chairman Wes Nakagiri at 8:57 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**

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

**4. CALL TO THE PUBLIC**

None.

**5. APPROVAL OF AGENDA**

Motion to approve the Agenda as presented.

**Moved by:** K. Lawrence

**Seconded by:** J. Gross

Roll Call Vote: Yes (9): K. Lawrence, C. Reader, W. Nakagiri, D. Helzerman, J. Drick, M. Zajac, C. Griffith, J. Gross, and B. Plank; No (0): None; Absent (0): None

**Motion Carried (9-0-0)**

**6. RESOLUTIONS FOR CONSIDERATION**

**6.1 Board of Commissioners**

Resolution Requesting Authorization to Submit a Request for Coronavirus State and Local Fiscal Recovery Funds - Board of Commissioners

Motion to adopt the Resolution.

**Moved by:** M. Zajac

**Seconded by:** K. Lawrence

Roll Call Vote: Yes (9): M. Zajac, C. Griffith, J. Gross, B. Plank, K. Lawrence, C. Reader, W. Nakagiri, D. Helzerman, and J. Drick; No (0): None; Absent (0): None

**Motion Carried (9-0-0)**

**7. FINANCE COMMITTEE RECOMMENDATION FOR APPROVAL OF CLAIMS**

Motion to approve the Claims.

**Moved by:** C. Griffith

**Seconded by:** J. Gross

Roll Call Vote: Yes (9): C. Griffith, J. Gross, B. Plank, K. Lawrence, C. Reader, W. Nakagiri, D. Helzerman, J. Drick, and M. Zajac; No (0): None; Absent (0): None

**Motion Carried (9-0-0)**

**8. FINANCE COMMITTEE RECOMMENDATION FOR APPROVAL OF PAYABLES**

Motion to approve the Payables.

**Moved by:** K. Lawrence

**Seconded by:** B. Plank

Roll Call Vote: Yes (9): K. Lawrence, C. Reader, W. Nakagiri, D. Helzerman, J. Drick, M. Zajac, C. Griffith, J. Gross, and B. Plank; No (0): None; Absent (0): None

**Motion Carried (9-0-0)**

**9. CALL TO THE PUBLIC**

None.

**10. ADJOURNMENT**

Motion to adjourn the meeting at 9:02 a.m.

**Moved by:** D. Helzerman

**Seconded by:** J. Gross

Roll Call Vote: Yes (9): D. Helzerman, J. Drick, M. Zajac, C. Griffith, J. Gross, B. Plank, K. Lawrence, C. Reader and W. Nakagiri; No (0): None; Absent (0): None

**Motion Carried (9-0-0)**

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Elizabeth Hundley, Livingston County Clerk

RESOLUTION

NO: 2021-05-075

LIVINGSTON COUNTY

DATE: May 24, 2021

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**Resolution to Authorize Entry into a Consent Judgment in the Charter Township of Brighton Litigation for the Vacation of Land and Amendment to the Plat of the Brighton Country Club Annex Subdivision – Board of Commissioners**

**WHEREAS,** on November 21, 2019, the Charter Township of Brighton filed a Complaint in the Livingston County Circuit Court (Case No. 19-30562-CH), seeking a Court Order to vacate portions of Thomas Avenue and a public alley in the Brighton Country Club Annex Subdivision, and to amend the Subdivision Plat to reflect the vacation of those portions of the land; and,

**WHEREAS,** Livingston County and the Livingston County Drain Commissioner, among numerous others, were named as Defendants in the litigation, as the County is the owner of a parcel of property that directly abuts the public alley, and the Drain Commissioner is statutorily required to be joined in a plat amendment case; and

**WHEREAS,** Livingston County, as the owner of property adjacent to the vacated public alley, is entitled by law to vesting of title in its name to one-half of the vacated portion of the public alley abutting its property; and

**WHEREAS,** the Drain Commissioner has no interest in reserving public utility easements for water service, storm water sewers, or sanitary sewers on and under the vacated Thomas Avenue or the public alley; and

**WHEREAS,** in answering the Township's Complaint, Livingston County and the Livingston County Drain Commissioner did not contest the vacation of land and the plat amendment; and

**WHEREAS,** the Township has proposed a Consent Judgment by which portions of Thomas Avenue and the public alley are to be vacated, and the plat amended accordingly, including the vesting of title in Livingston County to one-half of the vacated portion of the public alley abutting its property.

**THEREFORE, BE IT RESOLVED** that the Livingston County Board of Commissioners hereby approves entry into a Consent Judgment in the Charter Township of Brighton litigation, by which title to one-half of the vacated portion of the public alley that abuts the property owned by Livingston County is vested in the County and reflected in an amended plat; and

**BE IT FURTHER RESOLVED** that Civil Counsel is authorized to sign the proposed Consent Judgment, and the Chairperson of the Livingston County Board of Commissioners is authorized to sign all forms, assurances, contracts/agreements, and other documents related to the above upon review and/or preparation of Civil Counsel.

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**MOVED:  
SECONDED:  
CARRIED:**

RESOLUTION

NO: 2021-05-076

LIVINGSTON COUNTY

DATE: May 24, 2021

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**Resolution Authorizing Livingston County Veterans Services Build out Project – Veterans Services**

**WHEREAS,** the Livingston County Veterans Services Department has leased space at 1420 Lawson Drive, Howell, MI that requires that space to be built out; and

**WHEREAS,** this project has been budgeted for and will be paid from the veteran's millage and special revenue fund; and

**WHEREAS,** the Veterans Service Department has utilized Lindhout Associates to design and determine best use of the space; and

**WHEREAS,** Lindhout Associates working with the Veterans Services and Facility Services Departments have developed specifications that would suit the needs of the Veterans Services Department; and

**WHEREAS,** utilizing current contracts for furniture and flooring an RFP was developed and published for the construction services needed to build out the space; and

**WHEREAS,** four bids were received for the build out construction services and after careful consideration Heaney General Contracting company has been selected for the construction portion of the project.; and

**WHEREAS,** the total cost of the buildout project includes \$467,600 for Construction, \$33,000 for Architectural Services, and \$287,319 for those items deemed Owner Expenses for a total project cost of \$787,919.

**THEREFORE, BE IT RESOLVED** that the Livingston County Board of Commissioners hereby authorizes entering into a with Heaney General Contracting in the amount not to exceed \$467,600 for construction build out services, which includes \$25,000 for contingency.

**BE IT FURTHER RESOLVED** that Livingston County Board of Commissioners hereby authorizes an architectural services contract with Lindhout and Associates in an amount not to exceed \$33,000 to oversee the Veterans buildout project.

**BE IT FURTHER RESOLVED** that the Board of Commissioners authorizes the following owner responsibility project related costs estimated at \$261,199 for products and services, plus 10% contingency of \$26,120. The total not to exceed cost for Owner Expenses is \$287,319. The following Owner services/equipment expenses related to this project are listed below:

- Utilization of existing County contracts with both NBS furniture for the office in the amount of \$150,000 and Seelye Group for flooring and installation services in the amount of \$28,564
- Information Technology equipment, services, and set up in the amount of \$56,317
- Appliances in the amount of \$5,318
- Signage in the amount of \$21,000

- Contingency \$26,120

**BE IT FURTHER RESOLVED** that the Livingston County Board of Commissioners authorizes any budget amendments necessary to effectuate the above.

**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:





**2300 E. Grand River  
Suite 109**

**Howell, MI 48843**

**Phone 517-546-6338 Fax 517-546-0942**

**Web Site: [www.livgov.com/veterans](http://www.livgov.com/veterans)**

## Memorandum

**To: Livingston County Board of Commissioners**  
**From: Mary Durst, Veteran Services Director**  
**Date: May 5, 2021**  
**Re: RESOLUTION AUTHORIZING LIVINGSTON COUNTY  
VETERAN SERVICES BUILD OUT PROJECT**

I am respectfully requesting BOC approval to award the build out contract to Heaney General Contractors, funding approval for current contractors Seelye and NBS interiors and a 10% contingency on all owner expenses.

Four General Contractor bids were submitted. The highest bidder was ruled out and the remaining three of the four contractors were interviewed by Brad Alvord (Lindhout Associates), Chris Folts and myself. Heaney General Contractors Inc. was the lowest bidder. After thoughtful discussion and price comparisons, it was unanimously decided to recommend awarding Heaney the bid. In addition to being the lowest bidder, they had positive references and impressed Brad with the level of thoroughness in which they reviewed, and understood, the contract.

Both Seelye and NBS interiors are current vendors with the County with current contracts, however budget approval will be needed for these items.

As always, I am more than happy to answer any questions, concerns or clarifications needed.

Mary



May 5, 2020

COMM. NO. 21010

Livingston County Veterans' Services Tenant Buildout

REVISED BID TABULATION

CONTRACTOR	BASE PROPOSAL - AS SUBMITTED 4/30/21	ALTERNATE PROPOSAL 01: EXTERIOR DOOR REPLACEMENT C3 & 121B	BASE PROPOSAL - SUBMITTED CONTINGENCY FUND	BASE PROPOSAL - W/ ALT. PROP. NO.1 & LESS SUBMITTED CONTINGENCY FUND	POST BID ADDENDUM NO.1 COSTS	ASSIGNED CONTINGENCY FUND (\$25,000)	TABULATED BID TOTAL	FEES		COMP. DAYS
								SUBS %	OWN %	
Heaney General Contracting Inc.	\$445,900.00	\$14,000.00	-\$24,000.00	\$435,900.00	\$6,700.00	\$25,000.00	\$467,600.00	5.0%	15.0%	90
Polymath Development Company	\$481,900.00	\$9,932.00	-\$43,030.00	\$448,802.00	\$1,000.00	\$25,000.00	\$474,802.00	15.0%	10.0%	112
D&S Contractors Inc.	\$464,050.00	\$9,200.00	\$0.00	\$473,250.00	\$0.00	\$25,000.00	\$498,250.00	11.0%	10.0%	150
NRC Builders	\$575,000.00	\$13,500.00	-\$57,500.00	\$531,000.00	\$0.00	\$25,000.00	\$556,000.00	15.0%	15.0%	120



Livingston County Veterans' Services - Tenant Buildout

PRELIMINARY STATEMENT OF PROBABLE CONSTRUCTION COSTS

5/12/2021

COMPONENT DESCRIPTION	UNITS	UNIT COST	TOTAL
<b>CONSTRUCTION COSTS</b>			
Heaney General Contracting Bid (Includes \$25K Contingency Fund)	1 l.s.	\$467,600.00	\$467,600.00
			\$467,600.00
<b>COST OF BUILDING CONSTRUCTION</b>			<b>\$467,600.00</b>
<b>FEES</b>			
ARCHITECTURAL FEE (Includes MEP & Projected Bidding & Construction Administration Hourly Rate Services)	1 l.s./hourly	\$33,000.00	\$33,000.00
			\$33,000.00
<b>OWNER EXPENSES</b>			
COUNTY I.T.	1 l.s.	\$0.00	\$56,316.99
FURNITURE	1 l.s.	\$0.00	\$150,000.00
APPLIANCES	1 l.s.	\$0.00	\$5,318.00
SIGNAGE	1 l.s.	\$0.00	\$21,000.00
FLOORING	1 l.s.	\$0.00	\$28,563.65
10% CONTINGENCY	1 l.s.	\$0.00	\$26,120.00
			\$287,318.64
<b>LIVINGSTON COUNTY VETERANS' SERVICES TOTAL</b>			<b>\$787,918.64</b>

	A	C	D	E	F	G	H	I	J	K
1	Veteran Services Office Relocation Estimated Budget									
2	Total Fund	\$2,685,744 includes investments								
3	BEST CASE SCENARIO (same millage, same grant)									
4		2021	2022	2023	2024	2025	2026	2027	2028	2029
5										
6	Millage	\$ 1,096,890	\$ 1,099,613	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
7	Grants	\$ 115,567	\$ 64,520	\$ 64,520	\$ 64,520	\$ 64,520	\$ 64,520	\$ 64,520	\$ 64,520	\$ 64,520
8	Total Rev	\$ 1,212,457	\$ 1,164,133	\$ 1,064,520	\$ 1,064,520	\$ 1,064,520	\$ 1,064,520	\$ 1,064,520	\$ 1,064,520	\$ 1,064,520
9										
10	MID CASE SCENARIO (lower millage and no grant)									
11		2021	2022	2023	2024	2025	2026	2027	2028	2029
12										
13	Millage	\$ 1,096,890	\$ 1,099,613	\$ 700,000	\$ 700,000	\$ 700,000	\$ 700,000	\$ 700,000	\$ 700,000	\$ 700,000
14	Grant	\$ 115,567	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
15	Total Rev	\$ 1,212,457	\$ 1,149,613	\$ 700,000	\$ 700,000	\$ 700,000	\$ 700,000	\$ 700,000	\$ 700,000	\$ 700,000
16										
17	WORST CASE SCENARIO (failed millage, no grant)									
18		2021	2022	2023	2024	2025	2026	2027	2028	2029
19										
20	Millage	\$ 1,096,890	\$ 1,099,613	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
21	Grants	\$ 115,567	\$ 64,520	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
22	Total Rev	\$ 1,212,457	\$ 1,164,133	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
23										
24	EXPENSES AT NEW OFFICE LOCATION									
25		2021	2022	2023	2024	2025	2026	2027	2028	2029
26										
27	Const/Rent	\$ 832,919	\$ 66,300	\$ 67,625	\$ 68,979	\$ 70,358	\$ 71,765	\$ 73,200	\$ 74,664	\$ 76,157
28	Other exp.	\$ 786,515	\$ 767,986	\$ 791,391	\$ 815,251	\$ 838,327	\$ 863,477	\$ 889,381	\$ 916,063	\$ 943,554
29	Total Exp.	\$ 1,619,434	\$ 834,286	\$ 859,016	\$ 884,230	\$ 908,685	\$ 935,242	\$ 962,581	\$ 990,727	\$ 1,019,711
30										
31	ESTIMATED FUND BALANCE (with office relocation)									
32		2021	2022	2023	2024	2025	2026	2027	2028	2029
33										
34	BEST	\$ 2,278,767	\$ 2,608,614	\$ 2,814,118	\$ 2,994,408	\$ 3,150,243	\$ 3,279,521	\$ 3,381,460	\$ 3,455,253	\$ 3,500,062
35	MID	\$ 2,278,767	\$ 2,594,094	\$ 2,435,078	\$ 2,250,848	\$ 2,042,163	\$ 1,806,921	\$ 1,544,340	\$ 1,253,613	\$ 933,902
36	WORST	\$ 2,278,767	\$ 2,608,614	\$ 1,749,598	\$ 865,368	\$ (43,317)	\$ (978,559)	\$ (1,941,140)	\$ (2,931,867)	\$ (3,951,578)



RESOLUTION

NO: 2021-05-077

LIVINGSTON COUNTY

DATE: May 24, 2021

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**Resolution Authorizing the Modification of the Part-Time Administrative Aide Position in the Family Support Division to a Full-Time Administrative Aide Position**

- WHEREAS,** the Family Support Division brings cases in the circuit court against non-custodial parents to obtain orders establishing paternity and child support for Livingston County families; and
- WHEREAS,** the work performed by the Family Support Division is a function of Title IV-D of the Social Security Act as implemented by the State through the Office of Child Support (OCS); and
- WHEREAS,** the litigation initiated by the Family Support Division is brought in accordance with federally mandated time frames, requiring that the office promptly process referrals from OCS and adjudicate court cases; and
- WHEREAS,** the Family Support Division has historically been staffed at 2.5 FTE, but since October, 2020, the part-time administrative aide position has been vacant; and
- WHEREAS,** the proposed modification will permit the Family Support Division to hire and retain an employee to fill this essential position, bringing the office to an optimum operational staffing level; and
- WHEREAS,** the Family Support Division is a IV-D program, thus 66% of the cost for the position is reimbursed by the State.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby authorizes the modification of the Part-Time Administrative Aide Position in the Family Support Division to a Full-Time Position at Grade 3 as illustrated in the Position Control chart below:

**CURRENT:**

Position #	Description	Status	Group	Grade	FTE
26717103	ADMINISTRATIVE AIDE	A	NU	3	0.50

**PROPOSED:**

Position #	Description	Status	Group	Grade	FTE
26717103	ADMINISTRATIVE AIDE	A	NU	3	0.75

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





*Office of the*  
**LIVINGSTON COUNTY PROSECUTING ATTORNEY**

Family Support Division  
210 S. Highlander Way • Howell, MI 48843-3974  
(517) 548-1444 • Fax (517) 548-7580

**Memorandum**

**To: Livingston County Board of Commissioners**

**From: David Reader, Prosecuting Attorney**

**Date: 05/11/2021**

**Re: Resolution Authorizing a Modification of the Family Support Administrative Aide Position from Part-Time to a Full-Time Position**

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The Family Support Division brings cases in the circuit court against non-custodial parents to obtain orders establishing paternity and child support for Livingston County families. This function is a mandate of Title IV-D of the Social Security Act as implemented by the State of Michigan through the Office of Child Support (OCS). It's premised on a policy recognizing that a child is entitled to the financial support of both parents, and that establishing paternity gives a child a sense of identity and the right to a relationship with both of their parents.

The litigation initiated by the Family Support Division is brought in accordance with federally mandated time frames, requiring that the office promptly process referrals from OCS and adjudicate court cases. The office regularly coordinates genetic testing and location services on non-custodial parents in connection with these cases.

The Family Support Division has historically been staffed by one full-time assistant prosecutor, one full-time administrative specialist, and one part-time administrative aide. However, despite separate postings for this position, the part-time administrative aide position has been unfilled since October, 2020. Although qualified applicants have been interviewed and job offers extended, the candidates have withdrawn for other employment opportunities offering full-time and/or higher salary.

The proposed modification is designed to meet the challenges of hiring and retaining an employee to fill this essential position. The office relies on the administrative aide to evaluate and respond to hundreds of OCS referrals annually. Their primary duties involve conducting interviews of the custodial party, and then preparing the legal documents to initiate their court actions. The client interviews are comprehensive and involve personal and sensitive subject matter, and in-person appointments are necessary to review and execute their respective court documents.

The training invested by the office in this employee is substantial and ongoing, so their retention is highly valued. This office believes that the adjustment to a 30-hour full-time position will help to restore the Family Support Division to its full operational staffing level.

The modification is projected to cost \$28,068 over the cost of the (vacant) part-time position. Since the Family Support Division is a IV-D program, 66% of the amount spent by the county for these services is reimbursed by the state. The actual additional annual cost, after reimbursement, would be approximately \$9,262.

I hope to have your support for this resolution. Please contact me if you have any questions.



## CONTACT INFORMATION

Requester: Eric GutenbergTitle of Requester: Assistant Prosecutor/Family SupDept. Phone Number/Extension: 517.548.1444Date Requested: 05/12/2021

## POSITION INFORMATION

Position Title: Administrative AideSupervisor: Eric Gutenberg1. Is the purpose of this request to fill a position as a result of a **vacancy**?Yes ☒ No ☐If so, name of person last holding this position: Aliya McKethern2. Is the purpose of this request to **reclassify** a current position?Yes ☐ No ☒3. Is the purpose of this request to change the scheduled hours of an existing position? Yes ☒ No ☐ From: 20 To: 30

If so, name of current incumbent: \_\_\_\_\_

4. Is the purpose of this request to transfer a current position?

Yes ☐ No ☒

If so, Current Department: \_\_\_\_\_ Proposed Department: \_\_\_\_\_

Position Type: Regular ☒ Term/Grant ☐ Temp. ☐ Unpaid ☐ Special ☐Position Status: Full Time (30+) ☒ Part-Time (21-29) ☐ Part-Time (20 or Less) ☐ Number of hours per week: \_\_\_\_\_Justification of request / change of position (**REQUIRED**): Need to increase increase  
work hours for position to bring office to optimum staffing level.

## FUNDING INFORMATION

Base Annual Salary: \$17,094/hr. 35,556/yr. This position is funded in whole or in part by a grant: Yes ☒ No ☐ % Funded: 66Allocation (**Required**): Current: Org. 2382671 % 100 Proposed (If changing): Org. \_\_\_\_\_ % \_\_\_\_\_Position will be funded by: General Fund ☒ Enterprise Fund ☐ Special Revenue Fund ☒ Internal Service Fund ☐

## REQUIRED APPROVALS

Supervisor (if applicable) \_\_\_\_\_ Date \_\_\_\_\_

Eric Gutenberg \_\_\_\_\_ 05/12/2021  
Department Head \_\_\_\_\_ Date \_\_\_\_\_

## HR OFFICE ONLY

Job Class: 1070 Job Title: Administrative Aide Grade/Step: 3 / 1FTE: 1.0 Employee Group: NU HR Reviewed: Amy Hill Date: 05/12/2021

## BUDGET OFFICE ONLY

Position Control # 26717103 Org. 23826717Funds Available: Yes ☒ No ☐ Object Code: 704000 ☒ 706000 ☐ 706001 ☐Comments: utilize vacancy savings**Requires BOC approval**

Budget Reviewed: \_\_\_\_\_ Date: \_\_\_\_\_

Resolution #: \_\_\_\_\_ Board Authorized on Date: \_\_\_\_\_

RESOLUTION

NO: 2021-05-078

LIVINGSTON COUNTY

DATE: May 24, 2021

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**Resolution to Approve the FY 2020-2021 Hazardous Materials Emergency Preparedness Grant Program Award Agreement - Emergency Management**

**WHEREAS,** Livingston County Emergency Management Department has applied for and received a federal grant award for the FY 2020-2021 Hazardous Materials Emergency Preparedness Grant Program (HMEP) for Livingston County to support the Local Emergency Planning Committee (LEPC); and

**WHEREAS,** the amount of that federal grant award is \$2,375.00 with a required 25% match by Livingston Co. in the amount of \$594.00 dollars and that match can be covered through an “in-kind match” such as documented cost of office space to meet the needs of the Local Emergency Planning Committee (LEPC); and

**WHEREAS,** the LEPC will be utilizing the funding to identify hazardous material sites and enhance hazardous materials response planning within Livingston County; and

**WHEREAS,** the grant agreement and instructions will be reviewed by Livingston County legal counsel as to form.

**THEREFORE BE IT RESOLVED,** that the Livingston County Board of Commissioners hereby approves this Resolution to approve the FY 2020-2021 Hazardous Materials Emergency Preparedness Grant Program Award Agreement

**THEREFORE, BE IT FURTHER RESOLVED,** that the Chair of the Livingston County Board of Commissioners is authorized to sign the FY 2020-2021 Hazardous Materials Emergency Preparedness Grant Program (HMEP) Agreement after review by legal counsel,

**THEREFORE, BE IT FURTHER RESOLVED,** that the Chair of the County Board of Commissioners, the County Administrator, the Finance Officer, and the Emergency Management Director are authorized to sign all forms, assurances, supporting documents and contracts/agreements related to the grant application and subsequent award or future amendments after review of legal counsel.

**THEREFORE, BE IT FURTHER RESOLVED** the Livingston County Board of Commissioners hereby designates the Emergency Management Program Director as the primary applicant agent.

**THEREFORE, BE IT FURTHER RESOLVED** the Livingston County Board authorizes allowable program expenditures as needed by the Emergency Management Department and the Livingston County Local Emergency Planning Committee up to the \$2,375.00 FY 2020-2021 Hazardous Materials Emergency Preparedness (HMEP) Grant award.

**THEREFORE, BE IT FURTHER RESOLVED** that the Livingston County Board of Commissioners authorizes any budget amendments or transfers to effectuate the above.

**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:



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF STATE POLICE  
LANSING

COL. JOSEPH M. GASPER  
DIRECTOR

May 3, 2021

Ms. Therese Cremonte  
Emergency Management Coordinator  
Livingston County  
1911 Tooley Rd.  
Howell, Michigan 48855

Dear Ms. Cremonte:

Enclosed is the Fiscal Year 2020-21 Hazardous Materials Emergency Preparedness (HMEP) Planning Program Grant Agreement package for Livingston County. Please return the required grant documentation listed on the enclosed *Subrecipient Checklist* to our office via email:

Attention: Mr. Paul Lounsberry  
Emergency Management and Homeland Security Division  
Michigan Department of State Police  
LounsberryP@michigan.gov

Additional information on the FY 2020-21 HMEP Grant Program can be found at [www.phmsa.dot.gov/hazmat/grants](http://www.phmsa.dot.gov/hazmat/grants).

This grant agreement and all required documentation must be completed, signed, and returned **no later than July 2, 2021**. If this requirement is not met, this grant agreement will be invalid after **July 2, 2021** unless a prior written exception is provided by the Michigan State Police, Emergency Management and Homeland Security Division.

If you have any questions regarding this correspondence or the FY 2020-21 HMEP Planning Grant Program, please contact Ms. Brenna Roos at [RoosB@michigan.gov](mailto:RoosB@michigan.gov) or 517-284-3727.

Sincerely,

Capt. Kevin Sweeney, Commander  
Emergency Management  
and Homeland Security Division

Enclosures (12)  
cc:  
Lt. Jeffery Yonker

# SUBRECIPIENT CHECKLIST

## FY 2020-21 HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) PLANNING PROGRAM GRANT AGREEMENT

CFDA No: 20.703

**Email the following items to: LounsberryP@michigan.gov**

**SUBRECIPIENT WILL NOT BE REIMBURSED FOR FUNDS UNTIL ALL REQUIRED SIGNED DOCUMENTS ARE RECEIVED**

- ☐ 1. Grant Agreement. Please print and sign the grant agreement. Retain the signed document for your records and email a scanned copy.
- ☐ 2. Subrecipient Risk Assessment Certification
- ☐ 3. HMEP Planning Grant Agreement In-Kind Match form
- ☐ 4. Standard Assurances
- ☐ 5. Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
- ☐ 6. Audit Certification (EMD-053)
- ☐ 7. Request for Taxpayer Identification Number and Certification (W-9)
- ☐ 8. FY 2020-21 SARA Title III Hazardous Materials, Off-site Emergency Response, Plan Update List

**NOTE:** The Plan Update List does not need to be completed and returned with your FY 2020-21 HMEP Planning Program grant agreement. This form is to be used if and when a list of updated plans is submitted for your grant. The Plan Update List form can be submitted directly to the SARA Title III Planner at the MSP/EMHSD when you have completed all plan updates for the grant year.

### **POST REIMBURSEMENT REQUIREMENTS**

Participate with Recipient in an on-site monitoring of financial documents. Also retain financial records, supporting documents, and all other records pertinent to the grant for at least three years after the grant is closed by the awarding federal agency. Be sure to comply with Single Audit requirements of Subpart F of 2 CFR 200. **If required, the Subrecipient submits audit copy to: Michigan Department of State Police, Grants and Community Services Division, P.O. Box 30634, Lansing, Michigan 48909.**

**For GRANT QUESTIONS, PLEASE CONTACT Ms. Brenna Roos  
AT ROOSB@MICHIGAN.GOV OR (517) 284-3727.**

Michigan State Police

Emergency Management and  
Homeland Security Division



## Grant Agreement

### FEDERAL AWARD IDENTIFICATION

SUBRECIPIENT NAME	GRANT NAME	CFDA NUMBER
Livingston County	Hazardous Materials Emergency Preparedness Grant Program	20.703
SUBRECIPIENT IRS/VENDOR NUMBER	FEDERAL AWARD IDENTIFICATION NUMBER (FAIN)	FEDERAL AWARD DATE
38-6005819	693JK31940022HMEP	09/30/2019
SUBRECIPIENT DUNS NUMBER	SUBAWARD PERFORMANCE PERIOD	FROM TO
44797926		09/30/2020 09/29/2021
RESEARCH & DEVELOPMENT	Funding	Total
N/A	Federal Funds Obligated by this Action	\$2375
INDIRECT COST RATE	Total Federal Funds Obligated to Subrecipient	\$2375
None on file	Total Amount of Federal Award	\$293,920.00
FEDERAL AWARD PROJECT DESCRIPTION		
FY 2020-21 Hazardous Materials Emergency Preparedness Planning Program Grant		
DETAILS		
The Subrecipient must be prepared to match all funds received through this grant agreement (which equates to 25% of any federal funds received), as noted in Section III, D of the <i>Hazardous Materials Emergency Preparedness Planning Grant Instructions</i> that are included with this grant agreement. The match amount is located in part III.A of this grant agreement.		
FEDERAL AWARDDING AGENCY		PASS-THROUGH ENTITY (RECIPIENT) NAME
U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration 1200 New Jersey Avenue, SE, E21-316 Washington DC 20590-0001		Michigan State Police Emergency Management & Homeland Security Division P.O. Box 30634 Lansing, MI 48909

# State of Michigan Fiscal Year 2020-21 Hazardous Materials Emergency Preparedness Planning Program Grant Agreement

September 30, 2020 to September 29, 2021

CFDA Number: 20.703 Grant Number: 693JK31940022HMEP
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This Fiscal Year (FY) 2020-21 Hazardous Materials Emergency Preparedness (HMEP) Planning Program grant agreement is hereby entered into between the Michigan Department of State Police, Emergency Management and Homeland Security Division (MSP/EMHSD) (hereinafter called the Recipient), and the

**COUNTY OF LIVINGSTON**  
(hereinafter called the Subrecipient)

## I. Purpose

The purpose of this grant agreement is to provide federal pass-through funds to the Subrecipient for the development of new Superfund Amendments and Reauthorization Act (SARA), Title III, Section 302, hazardous materials emergency response plans. This grant agreement provides financial assistance to first responders (fire, law enforcement, emergency medical services, etc.) for allowable costs in the following areas:

- A. Provision of assistance to public sector employees through planning grants to states, territories, and Native American tribes for emergency response.
- B. Increased state, territorial, tribal, and local effectiveness in implementation of the Federal Emergency Planning and Community Right-to-Know Act of 1986.
- C. Encouragement of a comprehensive approach to emergency planning by incorporating the unique challenges of response to transportation situations.

## II. Statutory Authority

Funding for the FY 2020-21 HMEP is authorized by the U.S. Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Federal Hazardous Materials Transportation Law (49 U.S.C. Section 5101 et. seq.).

The Subrecipient agrees to comply with all FY 2020-21 HMEP program requirements and the most recent version of:

- A. 2 CFR, Part 200 of the Code of Federal Regulations (CFR), *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* located at <http://www.ecfr.gov>.
- B. 49 CFR, Part 110 *Hazardous Materials Public Sector Training and Planning Grants* located at <http://www.ecfr.gov>.
- C. 49 U.S.C. 5116 et seq. located at <https://www.gpo.gov/fdsys>.
- D. Any other applicable Federal statutes and regulations, including those listed within this grant agreement elsewhere.



### III. Award Amount and Restrictions

- A. The county of Livingston is awarded up to **\$2375** under the FY 2020-21 HMEP Planning Program Grant Agreement. This funding will be awarded as described in *Hazardous Materials Emergency Preparedness Planning Grant Instructions* enclosed within this grant agreement packet and is based on information provided in the HMEP grant application submitted for the FY 2020-21 grant year by **Livingston County**. This allocation is dependent upon the level of federal funding and may be reduced if available federal funding is reduced or if fewer plans are submitted based on the FY 2020-21 application for **Livingston County**. Any unused grant funds remaining at the end of the grant year will be used to increase the reimbursement for accepted new SARA Title III plans submitted by participating Local Emergency Planning Committees (LEPCs). The Subrecipient's payment per new plan will be recalculated using these funds and the award to the Subrecipient for the number of new plans submitted will be adjusted. This may affect the match amount required for this grant.

Based on the Subrecipient's application, a match amount of **\$594** is required. However, the Subrecipient must be prepared to match all funds received through this grant agreement (which equates to 25% of any federal funds received), as noted in Section III, D of the *Hazardous Materials Emergency Preparedness Planning Grant Instructions* that are enclosed within this grant agreement.

- B. The PHMSA reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, for federal government purposes:
1. The copyright in any work developed under this grant, sub-award, or contract under a grant or sub-award; and
  2. Any rights of copyright to which the Recipient, Subrecipient, or a contractor purchases ownership with grant support.

### IV. Responsibilities of the Subrecipient

- A. **Grant funds must supplement, not supplant, state or local funds.** Federal funds must be used to supplement existing funds, not replace (supplant) funds that have been appropriated for the same purpose. Potential supplanting will be carefully reviewed in subsequent monitoring reviews and audits. Subrecipients may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.
- B. The subrecipient shall not use FY 20-21 HMEP funds to generate program income.
- C. In addition to this grant agreement, the Subrecipient shall complete, sign, and submit to the Recipient the following documents, which are incorporated by reference into this grant agreement:
1. Subrecipient Risk Assessment Certification
  2. HMEP Planning Grant Agreement In-Kind Match form (EMD-063)
  3. Standard Assurances
  4. Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
  5. Audit Certification (EMD-053)
  6. Request for Taxpayer Identification Number and Certification (W-9)
  7. SARA Title III Hazardous Materials, Off-site Emergency Response Plan Update List (EMD 064). This form is located on the MSP/EMHSD website at <http://www.michigan.gov/emhsd> under Hazardous Materials. The form does not need to be completed and returned with the FY 2020-21 HMEP Planning Program grant agreement. It is to be used if and when a list of updated plans is submitted for your grant. Submit the Plan Review List directly to the SARA Title III Planner at the MSP/EMHSD no later than September 15, 2021.
  8. Other documents that may be required by federal or state officials
- D. The Subrecipient agrees to comply with all applicable federal and state regulations, including, but not limited to, the following:

1. Meet the LEPC eligibility requirements, as stated in the *Hazardous Materials Emergency Preparedness Planning Grant Instructions*, Section II which is included with this grant agreement package.
2. In accordance with 2 CFR 200.331, the subrecipient permits the recipient to have access to the subrecipient's records and financial statements as necessary for the recipient to meet the requirements of 2 CFR 200.331.
3. Integrate individuals with disabilities into emergency planning in compliance with Executive Order 13347 and the *Rehabilitation Act of 1973*.
4. Comply with applicable financial and administrative requirements set forth in the current edition of 2 CFR, Part 200, including, but not limited to, the following provisions:
  - a. Account for receipts and expenditures, maintain adequate financial records, and refund expenditures disallowed by federal or state audit.
  - b. Retain all financial records, statistical records, supporting documents, and other pertinent materials for at least three years after the grant is closed by the awarding federal agency for purposes of federal and/or state examination and audit.
  - c. Non-federal organizations which expend \$750,000 or more in federal funds from all sources during their current fiscal year are required to have an audit performed in accordance with the Single Audit Act of 1984, as amended, and 2 CFR, Part 200.501.
5. Comply with the Department of Transportation's policy for contracting with small, women-owned, minority disadvantaged businesses, veteran, and HubZone business firms.

#### **V. Responsibilities of the Recipient**

The Recipient, in accordance with the general purposes and objectives of this grant agreement, will:

- A. Administer the grant in accordance with all applicable federal and state regulations and guidelines and submit required reports to the awarding federal agency.
- B. Provide direction and technical assistance to the Subrecipient.
- C. Provide to the Subrecipient any special report forms and reporting formats (templates) required for administration of the program.
- D. Reimburse the Subrecipient, in accordance with this grant agreement, based on appropriate documentation submitted by the Subrecipient.
- E. At its discretion, independently, or in conjunction with the federal awarding agency, conduct random on-site reviews of the Subrecipient(s).

#### **VI. Reporting Procedures**

Submit new and updated SARA Title III (Section 302) community hazardous materials emergency response plans and identify which facility plans were updated on the attached *Plan Update List* form as stated in the FY 2020-21 application to MSP/EMHSD, no later than September 15, 2021 to the MSP/EMHSD District Coordinator. The form for submitting these updates is available on the MSP/EMHSD website located at <http://www.michigan.gov/emhsd>. Complete instructions on how and where to submit required reports can be found in the *Hazardous Materials Emergency Preparedness Planning Grant Instructions* that are included with this grant agreement package. If a support grant was requested, the LEPC must meet the requirements stated in the attached *Hazardous Materials Emergency Preparedness Planning Grant Instructions*, Section IV.B., or forfeit that portion of the grant award.

#### **VII. Payment Procedures**

Upon receipt, review, and acceptance of all work products and other requirements, as referenced in this grant agreement, the Recipient will calculate the payment to be made to the Subrecipient and will forward this information to the Subrecipient. See the *Hazardous Materials Emergency Preparedness Planning Grant Instructions* document attached within this grant agreement packet for further information.

All Subrecipients in the HMEP grant program must submit documentation on the associated costs being charged to the \$1,500 HMEP support grant. The eligible expenses are laid out in the HMEP \$1,500 Support Grant Certification Form, which will be sent to each LEPC at the close of the federal fiscal year. When a LEPC enters information into this form, the cost will need to be supported by a receipt, time sheet (reflecting hours worked on SARA related planning issues), purchase order or a paid invoice. The support grant form and attachments must be returned to MSP/EMHSD by the assigned due date.

### **VIII. Employment Matters**

The Subrecipient shall comply with Title VI of the *Civil Rights Act of 1964*, as amended; Title VIII of the *Civil Rights Act of 1968*; Title IX of the *Education Amendments of 1972 (Equal Opportunity in Education Act)*; the *Age Discrimination Act of 1975*; the *Elliott-Larsen Civil Rights Act*, 1976 PA 453, as amended, MCL 37.2101 *et seq.*; and all other federal, state and local fair employment practices and equal opportunity laws and covenants. The Subrecipient shall not discriminate against any employee or applicant for employment, to be employed in the performance of this grant agreement, with respect to his or her hire, tenure, terms, conditions, or privileges of employment; or any matter directly or indirectly related to employment because of his or her race, religion, color, national origin, age, sex, height, weight, marital status, limited English proficiency, or handicap that is unrelated to the individual's ability to perform the duties of a particular job or position. The Subrecipient agrees to include in every contract or subcontract entered into for the performance of this grant agreement this covenant not to discriminate in employment. A breach of this covenant is a material breach of the grant agreement.

The Subrecipient must comply with 2 CFR, Part 1200, *Nonprocurement Suspension and Debarment*, located at <http://www.ecfr.gov>. The Subrecipient shall ensure that no subcontractor, manufacturer, or supplier of the Subrecipient for projects related to this grant agreement appears on the Active Exclusions list on the System for Award Management (SAM) website located at <http://www.sam.gov> (previously this search was performed in the Excluded Parties List System – EPLS).

The Subrecipient must comply with regulation 49 CFR, Part 21, *Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of the Title VI of the Civil Rights Act of 1964* (see related certification form contained in this grant agreement package).

The Subrecipient must comply with regulation 49 CFR, Part 20, *New Restrictions on Lobbying* (see related certification form contained in this grant agreement package).

### **IX. Limitation of Liability**

The Recipient and the Subrecipient to this grant agreement agree that each must seek its own legal representative and bear its own costs, including judgments, in any litigation that may arise from performance of this grant agreement. It is specifically understood and agreed that neither party will indemnify the other party in such litigation.

*This is not to be construed as a waiver of governmental immunity for either party.*

### **X. Third Parties**

This grant agreement is not intended to make any person or entity, not a party to this grant agreement, a third-party beneficiary hereof or to confer on a third party any rights or obligations enforceable in their favor.

### **XI. Grant Agreement Period**

This grant agreement is in full force and effect from September 29, 2020 to September 29, 2021. No costs eligible under this grant agreement shall be incurred before the starting date of this grant agreement, except with prior written approval. This grant agreement package consists of two identical grant agreements, simultaneously executed; each is considered an original having identical legal effect. This grant agreement may be terminated by either party by giving thirty (30) days written notice to the other party stating reasons for termination and the effective date, or upon the failure of either party to carry out the terms of the grant agreement. Upon any such

termination, the Subrecipient agrees to return to the Recipient any funds not authorized for use, and the Recipient shall have no further obligation to reimburse the Subrecipient.

## **XII. Entire Grant Agreement**

This grant agreement is governed by the laws of the State of Michigan and supersedes all prior agreements, documents, and representations between the Recipient and the Subrecipient, whether expressed, implied, or oral. This grant agreement constitutes the entire agreement between the parties and may not be amended except by written instrument executed by both parties prior to the grant end date. No party to this grant agreement may assign this grant agreement or any of his/her/its rights, interest, or obligations hereunder without the prior consent of the other party. The Subrecipient agrees to inform the Recipient in writing immediately of any proposed changes of dates, budget, or services indicated in this grant agreement, as well as changes of address or personnel affecting this grant agreement. Changes in dates, budget, or services are subject to prior written approval of the Recipient. If any provision of this grant agreement shall be deemed void or unenforceable, the remainder of the grant agreement shall remain valid.

The Recipient may suspend or terminate grant funding to the Subrecipient, in whole or in part, or other measures may be imposed for any of the following reasons:

- A. Failure to expend funds in a timely manner consistent with the grant milestones, guidance, and assurances.
- B. Failure to comply with the requirements or statutory objectives of federal or state law.
- C. Failure to follow grant agreement requirements or special conditions.
- D. Proposal or implementation of substantial plan changes to the extent that, if originally submitted, the project would not have been approved for funding.
- E. Failure to submit required reports.
- F. Filing of a false certification in the application or other report or document.

## **XIII. Business Integrity Clause**

The Recipient may immediately cancel the grant without further liability to the Recipient or its employees if the Subrecipient, an officer of the Subrecipient, or an owner of a 25% or greater share of the Subrecipient is convicted of a criminal offense incident to the application for or performance of a state, public, or private grant or subcontract; or convicted of a criminal offense, including, but not limited to any of the following: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, attempting to influence a public employee to breach the ethical conduct standards for State of Michigan employees; convicted under state or federal antitrust statutes; or convicted of any other criminal offense which, in the sole discretion of the Recipient, reflects on the Subrecipient's business integrity.

## **XIV. Freedom of Information Act (FOIA)**

Much of the information submitted in the course of applying for funding under this program, or provided in the course of grant management activities, may be considered law enforcement-sensitive or otherwise critical to national security interests. This may include threat, risk, and needs assessment information; and discussions of demographics, transportation, public works, and industrial and public health infrastructures. Therefore, each Subrecipient agency Freedom of Information Officer will need to determine what information is to be withheld on a case-by-case basis. The Subrecipient should be familiar with the regulations governing Protected Critical Infrastructure Information (6 CFR, Part 29) and Sensitive Security Information (49 CFR, Part 1520), as these designations may provide additional protection to certain classes of homeland security information.

**XV. Official Certification**

**For the Subrecipient**

The individual or officer signing this grant agreement certifies by his or her signature that he or she is authorized to sign this grant agreement on behalf of the organization he or she represents. The Subrecipient agrees to complete all requirements specified in this grant agreement.

\_\_\_\_\_  
Subrecipient Name

\_\_\_\_\_  
Subrecipient's DUNS Number

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**For the Recipient (Michigan State Police, Emergency Management and Homeland Security Division)**

Capt. Kevin Sweeney  
\_\_\_\_\_  
Printed Name

Commander, Emergency Management  
and Homeland Security Division  
\_\_\_\_\_  
Title



5/3/21

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## SUBRECIPIENT RISK ASSESSMENT CERTIFICATION

As required by 2 CFR §200.331(b), the purpose of this assessment is to evaluate subrecipient's risk of noncompliance with federal statutes, regulations, and the terms and conditions of a subaward, and to determine appropriate subrecipient monitoring during the grant performance period. Limited program experience, results of previous audits and site monitoring visits, new personnel or new or substantially changed systems, may increase a subrecipient's degree of risk.

Subrecipient:	County:	DUNS #:
<b>Questions</b>		
<p>1. How many federal grant awards has your organization managed in the past 5 years regardless of awarding agency?</p> <p> <input type="checkbox"/> No grants  <input type="checkbox"/> 1-3 grants  <input type="checkbox"/> 4-5 grants  <input type="checkbox"/> 6+ grants         </p> <p>2. What percentage of your grant management staff has fewer than 2 years of grant experience?</p> <p> <input type="checkbox"/> 0-25% of staff  <input type="checkbox"/> 26-50% of staff  <input type="checkbox"/> 51-75% of staff  <input type="checkbox"/> 76-100% of staff         </p> <p>3. Has your organization had a new or substantially changed financial/accounting system(s) in the past 2 years?</p> <p> <input type="checkbox"/> Yes  <input type="checkbox"/> No         </p> <p>4. What types of findings (audit, site monitoring, etc.) has your organization received within the past 5 years?  <b>(Attach a separate sheet explaining any findings resulting in questioned costs or a return of funds.)</b></p> <p> <input type="checkbox"/> Never Audited or No  <input type="checkbox"/> Unsupported costs (lack of documentation)  <input type="checkbox"/> Unreasonable use of funds  <input type="checkbox"/> Questioned costs or required to return funds         </p> <p>5. Does your agency have staff primarily dedicated (&gt;50%) to grants management activities?</p> <p> <input type="checkbox"/> Yes  <input type="checkbox"/> No         </p>		
<b>Certification</b>		
<p><b><i>I certify the information provided in this assessment is true and accurate, and that all occurrences of prior grant non-compliance have been disclosed.</i></b></p>		
Authorized Representative Signature:		Date:
Authorized Representative Printed Name:		Title:
Point of Contact Printed Name:	Title:	Email:

HMEP PLANNING GRANT AGREEMENT IN-KIND MATCH

The Livingston County Local Emergency Planning Committee (LEPC) has been allocated the funding amount specified in the attached grant agreement. Therefore, a local fund match of \$594 is required.

The LEPC agrees to use the following as its in-kind match (This can be any non-federal money from a government jurisdiction, industry, or other organization represented on the LEPC. Staff paid with federal funds, and funds used as a match for other federal grants CANNOT be used for the HMEP match.):

- ☐ **PLANNING PERSONNEL:** (Full Name of Employee) ,  
whose salary and fringe benefits cost \$                      per hour, will work approximately                      hours on LEPC planning.
- ☐ **SECRETARIAL:** (Full Name of Employee or Secretarial Service) ,  
whose salary and fringe benefits cost \$                      per hour, will work approximately                      hours on LEPC business.
- ☐ **OFFICE SPACE:** (Government Jurisdiction or Other Entity) ,  
will provide a                      square foot office located at (Address) to the LEPC at a cost of \$                      per square foot.
- ☐ **MAILING:** (Government Jurisdiction or Other Entity) ,  
will provide \$                      toward LEPC related mailings.
- ☐ **PRINTING:** (Government Jurisdiction or Other Entity) ,  
will provide \$                      toward LEPC related printing.
- ☐ **OTHER (Describe):**



## STANDARD ASSURANCES

The Applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including 2 C.F.R. Part 2800 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards by the Department of Justice), and Ex. Order 12372 (intergovernmental review of federal programs). The applicant also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
3. It will give the awarding agency or the Government Accountability Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.
4. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subrecipients or contractors to comply) with any applicable nondiscrimination provisions, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Violence Against Women Act (42 U.S.C. § 13925(b)(13)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Indian Civil Rights Act (25 U.S.C. §§ 1301-1303); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07). It will also comply with Ex. Order 13279, Equal Protection of the Laws for Faith-Based and Community Organizations; Executive Order 13559, Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations; and the DOJ implementing regulations at 28 C.F.R. Part 38.
7. If a governmental entity—
  - a) it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
  - b) it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date





U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
OFFICE OF THE COMPTROLLER

## CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

### 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a

public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620—

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check ☐ if the State has elected to complete OJP Form 4061/7.

#### **DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 Seventh Street NW., Washington, DC 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address:

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date

## AUDIT CERTIFICATION

### Federal Audit Requirements

Non-federal organizations, which expend \$750,000 or more in federal funds during their current fiscal year, are required to have an audit performed in accordance with 2 CFR Part 200, Subpart F.

Subrecipients **MUST** submit a copy of their audit report for each year they meet the funding threshold to: Michigan State Police, Grants and Community Services Division, P.O. Box 30634, Lansing, Michigan 48909.

I. Program Information			
Program Name		CFDA Number	
II. Subrecipient Information			
Subrecipient Name			
Street Address		City	State ZIP Code
III. Certification for Fiscal Year			
Subrecipient Fiscal Year Period: _____ to _____.			
<input type="checkbox"/> I certify that the subrecipient shown above does NOT expect it will be required to have an audit performed under 2 CFR Part 200, Subpart F, for the above listed program.			
<input type="checkbox"/> I certify that the subrecipient shown above expects it will be required to have an audit performed under 2 CFR Part 200, Subpart F, during at least one fiscal year funds are received for the above listed program. <b>A copy of the audit report will be submitted to:</b> Michigan State Police, Grants and Community Services Division, P.O. Box 30634, Lansing, Michigan 48909.			
Signature of Subrecipient's Authorized Representative			Date

### Submit audit report to:

Michigan State Police  
Grants and Community Services Division  
P.O. Box 30634  
Lansing, Michigan 48909

### Submit this completed audit certification form and return with your grant agreement to:

Michigan State Police  
Emergency Management and Homeland Security Division  
P.O. Box 30634  
Lansing, Michigan 48909

# Request for Taxpayer Identification Number and Certification

Give Form to the  
requester. Do not  
send to the IRS.

► Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only <b>one</b> of the following seven boxes.  <input type="checkbox"/> Individual/sole proprietor or single-member LLC  <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ <b>Note:</b> Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is <b>not</b> disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.  <input type="checkbox"/> Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  Exempt payee code (if any) _____  Exemption from FATCA reporting code (if any) _____  <i>(Applies to accounts maintained outside the U.S.)</i>
	5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
	6 City, state, and ZIP code	
	7 List account number(s) here (optional)	

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number											
				-				-			
or											
Employer identification number											
					-						

## Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ►	Date ►
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## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.*

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting*, later, for further information.

**Note:** If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

## Backup Withholding

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

**Payments you receive will be subject to backup withholding if:**

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the instructions for Part II for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

## What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the Instructions for the Requester of Form W-9 for more information.

## Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

## Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

## Specific Instructions

### Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

**Note: ITIN applicant:** Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C corporation, or S corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

### Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

### Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual • Sole proprietorship, or • Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	Individual/sole proprietor or single-member LLC
• LLC treated as a partnership for U.S. federal tax purposes, • LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or • LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• Partnership	Partnership
• Trust/estate	Trust/estate

### Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

#### Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947



The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 5 <sup>2</sup>
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

**Exemption from FATCA reporting code.** The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

**Note:** You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

## Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

## Line 6

Enter your city, state, and ZIP code.

## Part I. Taxpayer Identification Number (TIN)

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note:** See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at [www.SSA.gov](http://www.SSA.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/Businesses](http://www.irs.gov/Businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. Go to [www.irs.gov/Forms](http://www.irs.gov/Forms) to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to [www.irs.gov/OrderForms](http://www.irs.gov/OrderForms) to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note:** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

## Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

**Signature requirements.** Complete the certification as indicated in items 1 through 5 below.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.**

You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLE accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

**What Name and Number To Give the Requester**

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
5. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee <sup>1</sup>
b. So-called trust account that is not a legal or valid trust under state law	The actual owner <sup>1</sup>
6. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor*
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships*, earlier.

**\*Note:** The grantor also must provide a Form W-9 to trustee of trust.

**Note:** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

**Secure Your Tax Records From Identity Theft**

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.**

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at [spam@uce.gov](mailto:spam@uce.gov) or report them at [www.ftc.gov/complaint](http://www.ftc.gov/complaint). You can contact the FTC at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see [www.IdentityTheft.gov](http://www.IdentityTheft.gov) and Pub. 5027.

Visit [www.irs.gov/IdentityTheft](http://www.irs.gov/IdentityTheft) to learn more about identity theft and how to reduce your risk.

## Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

SARA TITLE III HAZARDOUS MATERIALS, OFF-SITE EMERGENCY RESPONSE PLAN UPDATE LIST

AUTHORITY: 1976 PA 390, MCL 30.407a; 42 USC 11002-11003

COMPLIANCE: Required PENALTY: Civil penalty of not more than \$25,000 for each day such violation occurs

This form is used for the recording of updated emergency contact information for sites required under 42 USC 11002 (SARA Title III, Section 302). **DO NOT list new plans on this sheet.** Please note that the Michigan State Police, Emergency Management and Homeland Security Division may contact facilities to verify the plan review.

Local Emergency Planning Committee (LEPC) Name:

Date:

MI SARA ID Number	Facility Name	Facility Emergency Contact	Emergency Contact Phone Number	Date Original Plan Submitted

SIGNATURE

## **Hazardous Materials Emergency Preparedness Planning Grant Instructions**

### **I. Grant Program Description**

The Michigan State Police, Emergency Management and Homeland Security Division (MSP/EMHSD) has been designated by the Governor's office to administer the Hazardous Materials Emergency Preparedness (HMEP) planning grant program. HMEP planning grants are being made available to Local Emergency Planning Committees (LEPCs) for enhancing hazardous material response planning.

### **II. Eligibility Requirements**

To be eligible to receive funding through the HMEP planning grant, LEPCs must:

- A. Be formally appointed by the Michigan Citizen-Community Emergency Response Coordinating Council (MCCERCC);
- B. Have an appointed chairperson;
- C. Have an appointed information coordinator;
- D. Have an appointed emergency management coordinator;
- E. Meet virtually at least twice and have an established meeting schedule;
- F. Assure that a 20% in-kind match will be available for all funding received through this grant. In-kind match includes non-federally funded LEPC member time, office space, secretarial support, LEPC office and administrative expenses, etc. (See item III.D);
- G. Assure county or municipal compliance with Title VI of the Civil Rights Act of 1964;
- H. Assure county or municipal compliance with lobbying, debarment, suspension, and other responsibility matters certifications, as well as drug-free workplace requirements.

If individuals holding these positions change, please update the LEPC Roster and submit to the MSP/EMHSD. The forms are available by contacting Ms. Brenna Roos at 517-582-2846, [Roosb@Michigan.gov](mailto:Roosb@Michigan.gov).

### **III. Application Process**

- A. **Deadline:** All applications and 2020–2021 LEPC meeting schedules must be received by the MSP/EMHSD no later than **February 22, 2021**.
- B. **Application Mailing Address:** If you are submitting via mail, please address the package to:

Attention: Ms. Brenna Roos  
SARA Title III Program  
Michigan State Police, Emergency Management and Homeland Security Division  
P.O. Box 30634  
Lansing, MI 48909

- C. Agreement Finalized:** The MSP/EMHSD will review all applications for completeness and accuracy. Local Emergency Management programs with approved applications will be sent two HMEP Grant Agreements, along with multiple attachments that must be submitted to the MSP/EMHSD to receive HMEP funding. Funding levels stated in the agreement are subject to the availability of federal funds. The Local Emergency Management Coordinator must sign the agreements, return one to the MSP/EMHSD, and retain one copy for their LEPC files by the date specified in grant agreements.
- D. Matching Funds Identified:** When the LEPC receives the HMEP Grant Agreement, it will also receive a form to document its matching funds. Federal grants require matching funds to be calculated against **TOTAL** program costs. For grant purposes, total program costs are calculated by dividing the proposed reimbursements from the HMEP planning grant by .80. The resulting amount (total program cost) is then multiplied by .20 to calculate the match required. The “Hazardous Materials Emergency Preparedness (HMEP) Planning Grant Agreement In-Kind Match” form must be returned to the MSP/EMHSD with the HMEP Grant Agreement packet. This form is used to estimate matching funds based on the proposed agreement amount (see Item II.F). However, the subrecipient must be prepared to match funds based on the amount of grant funding actually received for the contract period, including additional funding received in excess of the agreement amount.

**Note:** *Staff positions and/or programs supported by other federal funds cannot be used as match for this grant.*

#### IV. Allocation Formula

- A. New Plan and Plan Update Payments:** The MSP/EMHSD will reimburse LEPCs for new and updated off-site emergency response plans. The reimbursement rate for new plans in 2020–2021 is \$250. Updated plans will receive \$15 per update. Facilities must be on the SARA Title III, Section 302 site list or added to the 302 site list by September 15, 2021. Plans that are added to the 302 site list after September 15, 2021, may not receive reimbursement from the 2020–2021 HMEP planning grant. To receive this funding, items B and/or C on the bottom of the “Local Emergency Planning Committee Application for Hazardous Material Emergency Preparedness Grant” form must be completed. This form is included in the application package.
- B. Support Grant Payments:** Each LEPC is eligible for a \$1,500 support grant. To qualify for the support grant, a LEPC must:
- Meet virtually at least twice and verify that meetings have been held by sending the MSP/EMHSD a copy of the meeting schedule, or other verification if requested (quarterly meetings are encouraged).
  - Annually update the LEPC’s officer/membership list and submit the completed form to the MSP/EMHSD.
  - Incorporate completed off-site response plans into the city/county Emergency Operations Plan (EOP) or Emergency Action Guidelines (EAG).
  - Review the city/county EOP/Emergency Action Plan (EAP) annually to make sure the hazmat response section is current.
  - Complete all updates for existing 302 sites.

Verification of the above items, via a form signed by the LEPC Chair and/or Local Emergency Management Coordinator, will be requested by the MSP/EMHSD prior to the end of the grant year.



## V. Proof of Purchase and Associated Work

All subrecipients in the HMEP planning grant program must submit documentation on the associated costs being reimbursed by the \$1,500 HMEP Support Grant. The eligible expenses are laid out in the "HMEP \$1,500 Support Grant Certification Form," which will be sent to each LEPC at the close of the fiscal year. Costs entered on this form need to be supported by a receipt, time sheet (reflecting hours worked on SARA (Superfund Amendment and Reauthorization Act) related planning issues), purchase order, or a paid invoice. The "HMEP \$1,500 Support Grant Certification Form" and attachments must be returned to the MSP/EMHSD by the assigned due date.

## VI. Planning Grant Requirements

**A. Products:** The intent of the planning grant is to encourage the development of new off-site hazardous material response plans and complete updates to previously submitted off-site response plans for each SARA Title III Section 302 site in Michigan. Plans must be submitted to the appropriate MSP/EMHSD District Coordinator by the date specified in each LEPC's Grant Agreement. A list of updated plans for sites on the current 302 site list must also be submitted by that date. A plan update includes verification and updating of a facility's emergency contact information, on-site extremely hazardous substances (EHS) and their quantities, storage locations, and any other items which may have an impact on employee or community life, health, and safety. The list must include the site name, the Department of Environment, Great Lakes, and Energy (EGLE) SARA identification number, and name of facility contact that assisted with the review. The "Plan Review List Form" for submittal is located on the MSP/EMHSD website and can be submitted directly to the address noted in Item III.B.

**B. Eligible Expenses:** HMEP planning grant funds are to be utilized for expenses that support and facilitate the development and/or updating of required SARA Title III off-site plans. Expenses can include, but are not limited to:

- Training for LEPC members, as long as it relates to the LEPC's planning mission.
- Development, improvement, and implementation of emergency plans required under SARA Title III.
- Exercises that test LEPC plans.
- Enhancement of LEPC plans, e.g., improving the hazard analysis or transportation of hazardous materials (including radioactive materials) response procedures.
- Commodity flow studies.
- Needs analysis for establishing regional response teams.
- Technical staff to support the planning effort.
- Assessment of local response capabilities.
- Subscription cost for EGLE's Tier II Manager.

Types of eligible costs that must be directly related to SARA Title III planning activities include:

- Meeting room rental.
- Per Diem for LEPC members.
- Public notices.
- Printing costs.
- Office administrative expenses.
- LEPC staff costs.
- Tier II Manager subscription.

**Note:** Computer hardware or software is not an allowable purchase.

**C. Off-Site Response Plans:**

- New off-site emergency response plans must be submitted to the appropriate MSP/EMHSD District Coordinator for review by September 1, 2021.
- A list of completed updates must be submitted to the MSP/EMHSD at the address noted in Item III.B, or electronically to Roosb@michigan.gov by September 1, 2021.
- If the LEPC completes fewer updates and/or new off-site response plans than it proposes, their award will be prorated according to the number of plans/updates accepted by the MSP/EMHSD.

**Note:** Upon request, LEPCs may be required to make updated plans available to the MSP/EMHSD for verification purposes.

**D. MSP/EMHSD Information Requests:** Upon request, the LEPC must provide the MSP/EMHSD with information on how HMEP funds were spent and what was accomplished. Other information requests related to LEPC operations may also be sent to LEPCs.

**E. Federal Reporting of Sub-awards and Executive Compensation:** Upon request, the subrecipient shall supply information to the MSP/EMHSD to address federal reporting requirements relevant to the Federal Funding Accountability and Transparency Act of 2006 (FFATA) (Public Law 109-282), as amended by Section 6202(a) of the Government Funding Transparency Act of 2008 (Public Law 110-252).

**F. Reporting of Data Universal Numbering System (DUNS) Number:** To comply with federal government reporting requirements, the MSP/EMHSD is required to collect a DUNS number from any recipient of sub-awards provided through the state of Michigan. A DUNS number must be submitted before reimbursement of funds can be made.

**G. Other Requirements:** The subrecipient must comply with the requirements of 2 CFR 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*; 2 CFR 1200, *Nonprocurement Suspension and Debarment*, 49 CFR Part 20, *New Restrictions on Lobbying*; and 49 CFR Part 21, *Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of the Title VI of the Civil Rights Act of 1964*, which can be found at [www.ecfr.gov](http://www.ecfr.gov).

**VII. Reimbursement Process**

Reimbursement to LEPCs (or a prorated portion) will be processed by the MSP/EMHSD upon acceptance of the LEPC's products, as specified in its contract.

**VIII. Items to Include with Application**

**A. HMEP Planning Grant Application Form:** Appropriate boxes for the type of grant requested must be checked on the application, and Officer/Emergency Manager information must be included.

**B. LEPC Officer/Member Record.**

**C. LEPC Meeting Schedule for 2020–2021.**

Questions concerning the HMEP planning grant should be directed to Ms. Brenna Roos at 517-582-2846, or email at [Roosb@michigan.gov](mailto:Roosb@michigan.gov).



**LIVINGSTON COUNTY, MICHIGAN**  
**DEPARTMENT OF EMERGENCY MANAGEMENT**

1911 Tooley Rd, Howell, MI 48855  
Phone 517-540-7926 Fax 517-564-6788  
Web Site: EmergencyManagement@livgov.com

## Memorandum

**To: Livingston County Board of Commissioners**  
**From: Therese Cremonte, Emergency Management**  
**Date: 5/3/2021**  
**Re: RESOLUTION TO APPROVE THE FY 2020-2021**  
**HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS**  
**GRANT PROGRAM AWARD AGREEMENT**

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This resolution is for the approval of the FY 2020-2021 Hazardous Material Emergency Preparedness Grant program award agreement.

The award is for \$2,375.00 dollars that would require a 25% match by Livingston County of \$594.00 that can be covered through an “in-kind match” such as documented cost of office space to meet the needs of the Local Emergency Planning Committee (LEPC)

Further, this grant affords funding towards the completion of new and updated SARA Title III, Section 302 site plans.

The complete grant agreement and instructions are attached to this resolution for review and signature.

If you have any questions regarding this matter please contact me.

**Resolution Authorizing Livingston County's Annual Budget Process and Calendar - Administration**

**WHEREAS,** the mission of Livingston County is to be an effective and efficient steward in delivering quality 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; and

**WHEREAS,** the 2022 Budget will be created utilizing the MUNIS – ERP system; and

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby adopt the following objectives in the preparation of the 2022 Budget:

- Preserve services essential to the health, safety and welfare of our residents as mandated by State Constitution and Statutes available only through Livingston County Government.
- Services must be consistent with and sustainable within the fiscal parameters of the current and projected economic realities. It is acknowledged that this will require:
  - Streamlining work flows
  - Program review and potential elimination of inefficient programs
  - Utilizing technology applications that streamline operations to reduce future costs
  - Eliminate legacy applications that fail to improve efficiency
  - Challenge the status quo in all work processes to promote improvements

**BE IT FURTHER RESOLVED** that the Board of Commissioners hereby directs that the 2022 budget book format be prepared in line with the Government Finance Officers Association (GFOA) Distinguished Budget guidelines in creating a document that serves as a Policy Document, Operation Guide, Financial Plan and Communication Device.

**BE IT FURTHER RESOLVED** that the Board of Commissioners hereby direct the following budget process consistent with the attached budget calendar:

- **Pre-Budget:** Strategic Planning Session(s), Budget Work Session(s), Capital Improvement Plan updates, and Cost Allocation Plan updates are essential for budget planning and to necessary for the Board of Commissioners to set budget priorities and assumptions for Fiscal Year 2022.
- **Level 1 Budget: Base Projection** Departments will be provided with the projected amount of personnel costs, Cost Allocation, Internal Service Fund charges (IT, Facility Services & Car Pool), and a target General Fund appropriation.
  - Staff wage and benefit projections will be based on the 2021 revised approved staffing levels. It is the department responsibility to ensure that the projections accurately capture and reflect all current pay types received by each employee group.
- **Level 2 Budget: Department Request** Departments will prepare all other line-item budget detailed requests and submit through MUNIS.
  - General Fund Departments are to maintain budget requests at or below the target appropriation provided.
  - Special Revenue Funds and Enterprise Funds shall balance their expenditures with annual revenues.
  - Additional positions above the current authorized level will be evaluated on the justification provided of need and must be sustainable within available resources.

- Specific vendor / product / cost information shall be detailed for as many line-items as possible; however, to receive authorization to purchase with adoption of the 2022 Budget, line-item detail is required for the following:
    - 801000-803000 - Professional Consultants, Attorney Fees and Legal Services
    - 817000 – Membership Dues & Registration
    - 819000-819999 – Contract Services
    - 860500 – Out-of-State Travel
    - 943300-943902 – Software Maintenance
    - 957000-957001 – Employee Training/Seminars
    - 973000 – Building Improvements
    - 977000-977999 – Capital Equipment
  - Capital Projects are those projects with an estimated cost of over \$50,000. These projects should be included in the 2022-2026 Capital Improvement Plan.
    - Capital projects that reduce future costs and support the County’s Strategic Plan will be reviewed, prioritized, and moved forward by the Board.
    - Projects that were not originally submitted as part of the Capital Improvement Plan for consideration and are being requested in the department request must include a complete description of the project, return on investment analysis, and justification for need.
  - The County Administrator and Deputy County Administrator/Financial Officer, with Board participation, will meet with each of the Department Directors and Elected Officials to discuss their Level 2 Department Requests including positions, reorganizations, programs, and capital projects.
- **Level 3 Budget: Administrator Recommendation.** Based on the discussions with departments, analysis of all the requests and overall financial position of the County, a budget recommendation by the County Administrator will be presented to the Finance Committee.
  - **Level 4 Budget: Finance Committee Recommendation** the Finance Committee will consider budgets that have been presented and make final decisions and/or changes.
  - **Level 5 Budget: Adopted** Board of Commissioners’ adopts the 2022 Livingston County Operating Budget.

**BE IT FURTHER RESOLVED** that the Board of Commissioners hereby direct the following budget process to be consistent with **the attached budget calendar.**

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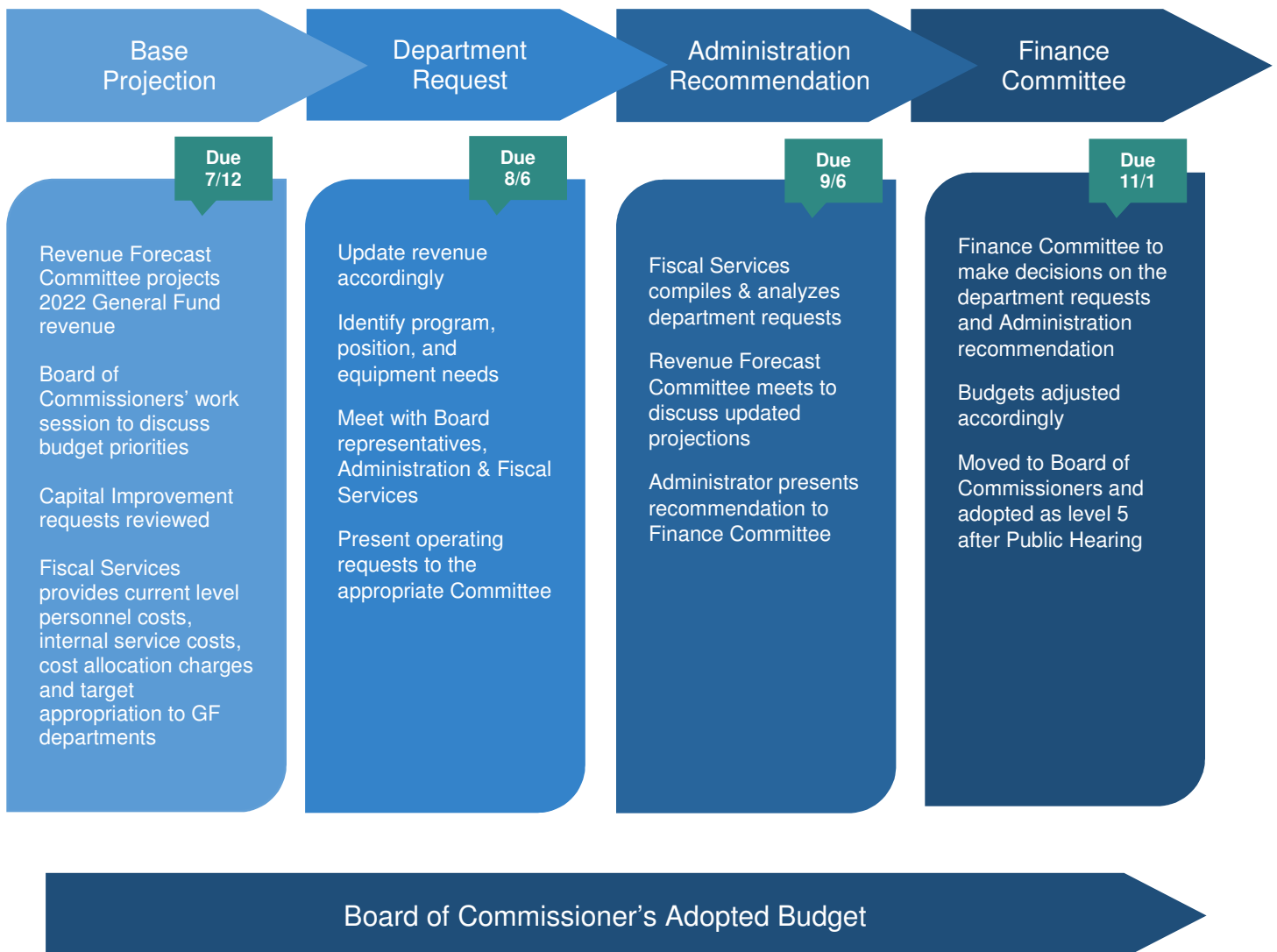
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MOVED:

SECONDED:

CARRIED: Roll Call Vote:

## 2022 Budget Process



## Budget Calendar

May 19, 2021	Board of Commissioners authorizes 2022 Budget Process & Calendar
June 9, 2021	2022 Revenue Forecast Presentation to Finance Committee
June 14, 2021	Board of Commissioners adopts 2022 millages
Week of June 14, 2021	Board of Commissioners Worksession for 2022 Budget Priorities
<b>July 12, 2021</b>	<b>Level 1 available to Departments</b>
July 12, 2021	Board of Commissioners accepts the Capital Improvement Plan (CIP) report
<b>August 6, 2021</b>	<b>Level 2 Department Requests due in MUNIS</b>
August 16-27, 2021	BOC & Administration meet with Departments to go over Department Requests
September 7-27, 2021	Work Sessions - Review of Level 2 Operating Budgets / Capital Requests
September 8, 2021	Finance - Review of Courts' Level 2 Operating Budgets / Capital Requests
<b>October 20, 2021</b>	<b>Level 3 Administration Recommended Budget presentation</b>
<b>November 17, 2021</b>	<b>Level 4 Finance Committee Recommended Budget presentation</b>
November 29, 2021	Publish Notice of Public Hearing for Budget in Newspaper
<b>December 13, 2021</b>	<b>Level 5 Public Hearing and Adoption of 2022 Budget</b>



**RESOLUTION**

**NO: 2021-05-080**

**LIVINGSTON COUNTY**

**DATE: May 24, 2021**

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**Resolution Approving an Appointment to the Huron Clinton Metropolitan Authority Board - Board of Commissioners**

**WHEREAS,** the term of a representative on the Huron Clinton Metropolitan Authority Board will expire on May 21, 2021; and

**WHEREAS,** the following appointment has been recommended:

Steve Williams ..... Term expires 5.21.2025

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby approve the above referenced appointment and expiration date upon completion of the required application and background check.

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**MOVED:  
SECONDED:  
CARRIED:**

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

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## **Resolution Establishing Uniform Procedure for Nominating and Selecting Citizens for Appointed Positions – Board of Commissioners**

**WHEREAS,** Commissioners have expressed concerns with the existing nomination process; and

**WHEREAS,** establishing a single uniform procedure for the selection of citizens for appointed positions will enhance efficiency and reduce confusion.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners authorizes the implementation of the following procedure for the nomination and selection of citizens to appointed positions:

1. Optimize the appointment interview process
  - a. Within one month of institution of this process and at the first full board meeting of a term thereafter, the County Administrator shall provide all Commissioners with a complete list of all committee appointees, including
    - i. Name
    - ii. Phone number and email address
    - iii. Home address
    - iv. Year appointed to this position
    - v. Year that current term expires
    - vi. Previous letter of interest and resume
    - vii. Name of committee appointed to
  - b. Within one month of institution of this process and at the first full board meeting of a term thereafter, the County Administrator shall provide all Commissioners data on all committees to which Commissioners make appointments, including
    - i. Name of Committee
    - ii. A one paragraph description of what this committee does
    - iii. When the committee meets
    - iv. Where the committee meets
    - v. Archive of meeting minutes
  - c. All impending vacancies shall be posted in a manner accessible to Commissioners, or sent to Commissioners, in accordance with the following schedule:
    - i. Notice of impending vacancy related to the end of a committee members term not less than 3-months prior to the vacancy, or immediately in the event of a

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vacancy occurring prior the end of a regularly scheduled term end date, and such notice shall include:

- Date the term starts
  - Date the term expires
  - Detail of the committee and role to be filled by the appointment
- ii. No later than two months prior to an impending vacancy on a committee to which Commissioners make appointments, the County Administrator shall provide all Commissioners with the following data on incumbent candidates applying for a new term:
  - Name
  - Phone number and email address
  - Home address
  - Letter of interest
  - Resume
  - References
  - Other written documentation provided by the candidate
  - Identify the other committees served on by the candidate, and the duration
  - The year the incumbent was appointed
  - The attendance record of the incumbent
- iii. No later than 5 days following the closure of a posting to a vacancy on a committee to which Commissioners make appointments, the County Administrator shall provide all Commissioners with the following data on new applicants
  - Name
  - Phone number and email address
  - Home address
  - Letter of interest
  - Resume
  - References
  - Other written documentation provided by the candidate
  - Identify the other committees served on by the candidate, and the duration

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2. Upon the advice and input from County Administration and others, the LCBOC Chair, or any other commissioner, may request that County Administration conduct interviews for the open position. After advice and input from County Administration and others, the Chair of the LCBOC shall select at least one nominee. All documentation regarding the nominee(s) will be provided in the agenda package presented to the Personnel Committee.
    - a. The Chair of the LCBOC may designate another Commissioner to select a nominee.
    - b. If interviews are conducted, the LCBOC Chair and the LCBOC Personnel Committee Chair, or their designees, may participate in the interviews.
    - c. If interview are conducted, no less than 10 working days before the first interview for a given position, the County Administrator shall provide the names of all applicants selected for interview, as well as the date, time, and location of each interview, to all Commissioners.
    - d. If interviews are conducted, no less than 5 working days before the first interview for a given position, any Commissioner may request inclusion of a candidate meeting all application requirements in the interview pool.
  3. The Personnel Committee vets the nominee(s). Commissioners may request attendance of individual nominees for open questions and interview as part of the final selection process, and such questioning shall be allowed at the discretion of the LCBOC Personnel Committee Chair. Upon completion of the vetting process this committee may:
    - a. Advance a single nominee to the full LCBOC;
    - b. Advance the nominee and one other candidate to the full LCBOC, in the case where only one nominee was presented by the LCBOC Chair, or advance two nominees to the full LCBOC, in the case where more than one nominee was presented by the LCBOC Chair, and the LCBOC will then have to choose between two candidates;
    - c. Reject the nominee(s) and request the Chair of the LCBOC, or the Chair's designee, to provide another nominee.
  4. When presented for approval by the full LCBOC, individual nominees will be placed on individual resolutions for consideration. Commissioners may request attendance of individual nominees for open questions and interview as part of the final selection process, and such questioning shall be allowed at the discretion of the LCBOC Chair.

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MOVED:  
SECONDED:  
CARRIED: