



## Livingston County Board of Commissioners Revised Meeting Agenda

April 24, 2023, 6:00 p.m.

Board of Commissioners Meeting Location

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

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

<https://us02web.zoom.us/j/3997000062>

*"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 Prayer
3. Pledge of Allegiance to the Flag
4. Roll Call
5. Approval of Agenda
- \*6. Award of Recognition  
Mark Robinson, Livingston Catholic Charities
7. Correspondence
  - a. Eaton County 4  
Resolution Honoring the Michigan Association of Counties on its 125th Anniversary
8. Call to the Public
9. Approval of Minutes
  - a. Meeting Minutes dated: April 11, 2023
  - b. Closed Session Minutes dated: April 11, 2023
10. Tabled Items From Previous Meetings
  - a. 2023-04-062  
Board of Commissioners 5  
Resolution Approving an Appointment to the Livingston County Human Services Collaborative Body – Board of Commissioners
11. Reports

## 12. Resolutions for Consideration

Resolutions 2023-04-063 through 2023-04-076

- |           |  |                           |    |
|-----------|--|---------------------------|----|
| <b>a.</b> | <b>2023-04-063</b>   | Board of<br>Commissioners | 7  |
|           | Resolution by the Livingston County Board of Commissioners in Support of the Second Amendment of the US Constitution and the Michigan Constitution – Board of Commissioners  |                           |    |
| <b>b.</b> | <b>2023-04-064</b>   | Sara Applegate            | 9  |
|           | Resolution Authorizing Community Corrections Plan and Application for FY 2024 be Submitted to the Michigan Department of Corrections on May 1, 2023 – Community Corrections  |                           |    |
| <b>c.</b> | <b>2023-04-065 (Roll Call Vote)</b>  | Elizabeth Hundley         | 20 |
|           | Resolution Authorizing the Microfilm Conversion Project and Distribution of American Rescue Plan Act (ARPA) Funding - County Clerk   |                           |    |
| <b>d.</b> | <b>2023-04-066 (Roll Call Vote)</b>  | Cindy Arbanas             | 37 |
|           | Resolution to Authorize a First Quarter Budget Amendment to the Fiscal Year 2023 Budget – Fiscal Services  |                           |    |
| <b>e.</b> | <b>2023-04-067 (Roll Call Vote)</b>  | Cindy Arbanas             | 46 |
|           | Resolution Authorizing an Additional Contribution to MERS in Fiscal Year 2023 - Administration   |                           |    |
| <b>f.</b> | <b>2023-04-068</b>   | Cindy Arbanas             | 47 |
|           | Resolution Authorizing Livingston County's 2024 Annual Budget Process and Calendar – Administration  |                           |    |
| <b>g.</b> | <b>2023-04-069 (Roll Call Vote)</b>  | Cindy Arbanas             | 51 |
|           | Resolution to Authorize the Creation of a New Non-Union Division within MERS and an Additional Payment of the Unfunded Liability for 911 Central Dispatch Employees – Fiscal Services / 911 Central Dispatch           |                           |    |
| <b>h.</b> | <b>2023-04-070 (Roll Call Vote)</b>  | Cindy Arbanas             | 53 |
|           | Resolution to Authorize the Creation of a New Non-Union Division within MERS and an Additional Payment of the Unfunded Liability for the Emergency Medical Services (EMS) Department Employees – Fiscal Services / EMS |                           |    |
| <b>i.</b> | <b>2023-04-071</b>   | Cindy Arbanas             | 55 |
|           | Resolution to Amend the County Grant Policy – Fiscal Services  |                           |    |
| <b>j.</b> | <b>2023-04-072 (Roll Call Vote)</b>  | Brian Jonckheere          | 61 |
|           | Resolution Authorizing Improvements to Van Buren Road Sanitary Sewer Relocation / Reverse Grade Correction and Distribution of American  |                           |    |



Rescue Plan Act (ARPA) Funding – Drain Commissioner

- |    |   |                  |     |
|----|---|------------------|-----|
| k. | <b>2023-04-073 (Roll Call Vote)</b>   | Brian Jonckheere | 76  |
|    | Resolution Authorizing Improvements to Cohoctah and Barnum Drain and Distribution of American Rescue Plan Act (ARPA) Funding – Drain Commissioner |                  |     |
| l. | <b>2023-04-074 (Roll Call Vote)</b>   | Brian Jonckheere | 90  |
|    | Resolution Approving the Distribution of American Rescue Act Funding for the Improvements to Howell City Drain – Drain Commissioner               |                  |     |
| m. | <b>2023-04-075 (Roll Call Vote)</b>   | Brian Jonckheere | 108 |
|    | Resolution Authorizing Improvements to Lott Drain and Distribution of American Rescue Plan Act (ARPA) Funding – Drain Commissioner                |                  |     |
| n. | <b>2023-04-076 (Roll Call Vote)</b>   | Brian Jonckheere | 123 |
|    | Resolution Approving the Distribution of American Rescue Act Funding for the Improvements to the Wood Drain – Drain Commissioner                  |                  |     |
13. **Accounts Payable Reports**
- a. **Claims dated: April 24, 2023**
  - b. **Payables dated: April 1 through April 14, 2023**
14. **Call to the Public**
15. **Adjournment**

## EATON COUNTY BOARD OF COMMISSIONERS

MARCH 15, 2023

RESOLUTION HONORING THE MICHIGAN ASSOCIATION OF COUNTIES  
ON ITS 125TH ANNIVERSARY

Commissioner Augustine moved the approval of the following resolution. Seconded by Commissioner Rogers.

**WHEREAS**, Michigan's 83 county governments play a central role in the proper delivery of, and oversight for, critical public services for the state's approximately 10 million residents; and

**WHEREAS**, Michigan county governments are led by Boards of Commissioners, who are elected from their communities; and

**WHEREAS**, the State Association of Supervisors of Michigan was formed by representatives of 16 counties on Feb. 1, 1898, in the Senate chamber of the Michigan State Capitol in Lansing; and

**WHEREAS**, the association's name was changed to the Michigan Association of Counties on July 17, 1969; and

**WHEREAS**, the Michigan Association of Counties is the oldest association representing local governments in Michigan; and

**WHEREAS**, 48 of Michigan's 83 counties have had at least one of their commissioners (or supervisors prior to 1968) serve as president of the association's Board of Directors; and

**WHEREAS**, the association created the Michigan Counties Workers' Compensation Fund in 1979 to help county members provide workplace safety and injury insurance services to its employees; and

**WHEREAS**, the association created the Michigan Association of Counties Service Corporation in 1986 to partner with service providers to help counties save money on everything from health insurance to telecommunications services; and

**WHEREAS**, the association hosts two major conferences every year to bring together county leaders for briefings on trending public policy issues and to hear from state newsmakers and others; and

**WHEREAS**, the association's advocacy work in Lansing and beyond has advanced the interests of county governments and the residents they serve; and

**WHEREAS**, no fewer than five association presidents have served or are serving in the Michigan Legislature in the 21st century, a testament to the culture of public service inculcated by the association

**THEREFORE, BE IT RESOLVED** that Eaton County wishes to commend and honor the Michigan Association of Counties on its 125th Anniversary year. Carried unanimously.

STATE OF MICHIGAN  
COUNTY OF EATON

I certify that the foregoing is a true and accurate copy of the resolutions adopted by the Eaton County Board of Commissioners, that such resolutions were duly adopted at a regular meeting held on March 15, 2023, and that notice of such meeting was given as required by law.

{SEAL}



Diana Bosworth, Clerk of the Eaton  
County Board of Commissioners

RESOLUTION

NO: 2023-04-062

LIVINGSTON COUNTY

DATE: April 11, 2023

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**Resolution Approving an Appointment to the Livingston County Human Services Collaborative Body – Board of Commissioners**

**WHEREAS,** The Livingston County Human Services Collaborative Body (HSCB) is recommending a new member for the HSCB; and

**WHEREAS,** the following nomination has been recommended by the Human Services Collaborative Body Executive Committee as outlined in the HSCB Bylaws:

**Human Services Collaborative Body**

**New:**

Andrew Hickok, Non-/For Profit ..... Term expires 9.30.2023

**THEREFORE, BE IT RESOLVED,** that the Livingston County Board of Commissioners hereby approve the above referenced appointment and expiration date.

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**MOVED:  
SECONDED:  
CARRIED:**

Livingston County Board of Commissioners,

The Livingston County Human Services Collaborative Body (HSCB) is recommending a new member for the HSCB - Andrew Hickok from Michigan Medicine.

Per the HSCB Bylaws, the Nominating Committee is a committee formed to review nominations for officers and members of the Executive Committee and HSCB general membership. The committee will be composed of four volunteer members of the HSCB. The chair of the Nominating Committee is selected by its members. Open seats are posted via Livingston County Google Group and a notice is sent electronically to the HSCB email group.

The Nominating Committee submitted Andrew Hickok to the HSCB Executive Committee for review and approval. The HSCB Executive Committee voted on December 20, 2022 to approve the membership recommendation which was then approved by the full HSCB on Wednesday, January 25, 2023.

The HSCB asks that you accept and approve this new member which has been vetted through the internal process outlined in the Bylaws of the Livingston County Human Services Collaborative Body.

HSCB Membership Nomination:

Non-/For Profit	Andrew Hickok	New (term ends 9/30/2023)
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RESOLUTION

NO: 2023-04-063

LIVINGSTON COUNTY

DATE: April 24, 2023

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**Resolution by the Livingston County Board of Commissioners in Support of the Second Amendment of the US Constitution and the Michigan Constitution – Board of Commissioners**

**WHEREAS,** the Second Amendment to The Constitution of the United States of America, ratified in 1791 as part of the Bill of Rights, states “A well-regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed”; and

**WHEREAS,** Article I, Section 6 of the Michigan Constitution (1963) provides that “Every person has a right to keep and bear arms for the defense of himself and the state”; and

**WHEREAS,** it is the desire of this Board to reaffirm its commitment and support of The Constitution of the United States of America as well as the Constitution of the State of Michigan including all amendments which protect Livingston County citizens’ individual rights; and

**WHEREAS,** each Livingston County Commissioner, as provided by Article IX, Section 1, of the Michigan Constitution (1963), took an oath to support The Constitution of the United States of America and the Michigan Constitution; and

**WHEREAS,** a “Constitutional County” is defined as a place of refuge for the law-abiding citizen in regards to the citizens’ rights under The Constitution of the United States of America and Michigan Constitution including but not limited to the Second Amendment right to Keep and Bear Arms; and

**NOW THEREFORE IT IS HEREBY RESOLVED,** by the Livingston County Board of Commissioners, that the County of Livingston, Michigan, be, and hereby is, declared to be a “Constitutional County”; and

**IT IS FURTHER RESOLVED** that this Board affirms its support for the Livingston County Sheriff and the Livingston County Prosecuting Attorney and acknowledges and respects their respective oaths of office. This board strongly encourages their utmost discretion in the exercise of their duties in enforcing any statute, law, rule, order, or regulation that is contrary to the rights established by The Constitution of the United States of America and the State of Michigan Constitution; and

**BE IT FURTHER RESOLVED** that this Board will not authorize or appropriate new funds, resources, employees, agencies, contractors, buildings, detention centers or offices for the sole purposes of enforcing any statute, law, rule, order, or regulation that restricts the rights of any law-abiding citizen affirmed by the Second Amendment or Article 1, Section 6, of the Michigan Constitution, nor be used to aid any state or federal agency in infringing or restricting such rights; and

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**BE IT FURTHER RESOLVED** that the Board respectfully requests the Michigan Legislature, the United States Congress, and other agencies of State and Federal government to vigilantly preserve and protect those rights by rejecting any provision, statute, law, rule, order or regulation that may infringe, have tendency to infringe or place any additional burdens on the rights of law-abiding citizens to keep and bear arms; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be sent to Governor Gretchen Whitmer, Michigan Senators Lana Theis, Michigan House Representatives Ann Bollin, Robert Bezotte, Jennifer Conlin, Mike Mueller and the other 82 county board of commissions in the State of Michigan, U.S. Congress Representative Elissa Slotkin, U.S. Senators Gary Peters, Debbie Stabenow, the Livingston County Sheriff Mike Murphy, and the Livingston County Prosecuting Attorney David Reader and all county department directors.

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

RESOLUTION

NO: 2023-04-064

LIVINGSTON COUNTY

DATE: April 24, 2023

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**Resolution Authorizing Community Corrections Plan and Application for FY 2024 be Submitted to the Michigan Department of Corrections on May 1, 2023 – Community Corrections**

**WHEREAS,** The Livingston County Community Corrections Advisory Board approved the Community Corrections Plan and Application for Fiscal Year 2024 on April 11, 2023; and

**WHEREAS,** The Community Corrections Plan and Application for FY 2024 is to be submitted to the Michigan Department of Corrections (MDOC), Office of Community Corrections on May 1, 2023; and

**WHEREAS,** The Community Corrections Plan and Application for FY 2024 requests funding the following services:

- Administration including wages and fringes for existing positions, supplies, travel, training; and
- Group Programming including cognitive behavioral therapy; and Outpatient treatment specifically substance use disorder services through assessments, intake, group therapy, individual therapy, substance abuse testing, and other evidence-based treatment modalities; and

**WHEREAS,** the total amount requested for the comprehensive plan and services is \$105,120.54; and

**WHEREAS,** this grant will not fund any new positions and does not require a match.

**THEREFORE BE IT RESOLVED,** the Livingston County Board of Commissioners authorizes the Community Corrections program to submit the Plan and Application for Fiscal Year 2024 covering the period October 1, 2023 through September 30, 2024 to the MDOC Office of Community Corrections, and if awarded, acceptance will be sought under separate resolution.

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

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



## Memorandum

**To: Livingston County Board of Commissioners**

**From: Sara Applegate, Specialty Courts and Programs Administrator**

**Date: 4/11/2023**

**Re: Community Corrections Grant Application Approval for Fiscal Year 2024**

The Livingston County Community Corrections Advisory Board (LCCCAB) approved submission of the Community Corrections Plan and Application for FY 2024 on Tuesday, April 11<sup>th</sup>, 2023.

The Community Corrections Plan and Application requests \$105,120.54 in funding for the comprehensive plan and services listed:

- **Cognitive Behavioral Treatment Programming** – \$16,920.00 for a projected enrollment of 60 felony offenders
- **Substance Use Disorder Treatment Programming** - \$31,160.00 for a projected enrollment of 65 felony offenders
- **Substance Abuse Testing** - \$27,648.00 for a projected enrollment of 24 felony offenders
- **Administration** - \$29,392.54 for wages and fringes of the Project Director and Coordinator, training, and office supplies

All programming under Community Corrections is evidence based and designed to reduce Prison Commitment Rates (PCR) as well as recidivism rates. Cognitive Behavioral programming is designed to promote skills to develop prosocial behavior and impact potential future criminal behavior by teaching how to identify, monitor, and change the thinking that is fundamental to these behaviors. Substance Use Programming is designed to help offenders understand, recognize, and accept addiction; identify and interrupt addictive thoughts, feelings and actions; and learn positive, healthy coping skills that negate the need for prison commitment. Lastly, the Program Director and Coordinator are responsible for the development, implementation, and monitoring of the Community Corrections Plan. These positions act as an advisor to the CCAB and liaison to the state. These positions also monitor program utilization and progress toward meeting objectives.

Through this grant, the LCCCAB is committed to reducing the prison commitment rate by providing alternatives to incarceration and services to reduce recidivism.

This grant is not requesting funds for any new positions and does not require a match.

Thank you for the opportunity to present this matter to you. If you have any questions, please contact me directly.



# MICHIGAN DEPARTMENT OF CORRECTIONS

*“Committed to Protect, Dedicated to Success”*



## Office of Community Corrections

Community Corrections Plan and Application  
Fiscal Year 2024

**CCAB Name:** Livingston County

Email the application to:

1. [MDOC-OCC@michigan.gov](mailto:MDOC-OCC@michigan.gov)
2. Your assigned Community Corrections Specialist

**DUE DATE: May 1, 2023**

SECTION I: COMMUNITY CORRECTIONS ADVISORY BOARD INFORMATION				
Name of CCAB: Livingston County			Federal I.D. Number: 36-6005819	
A: GENERAL CONTACT INFORMATION:				
	CCAB Manager	CCAB Manager's Direct Supervisor	CCAB Chairperson	Agency Serving as Fiduciary of Award & Contact Person
Name:	Julie Carlson	Sara Applegate	Michael Murphy	Cindy Arbanas
Title:	Community Corrections Coordinator	Specialty Courts and Programs Administrator	Livingston County Sheriff	Deputy County Administrator
Address:	204 S. Highlander Way	204 S. Highlander Way	150 S. Highlander Way	304 E. Grand River
City:	Howell	Howell	Howell	Howell
State:	MI	MI	MI	MI
Zip:	48843	48843	48843	48843
Phone:	517-540-7663	517-540-7664	517-546-7932	517-546-8727
Fax:				
Email:	jcarlson@livgov.com	sapplegate@livgov.com	mmurphy@livgov.com	carbanas@livgov.com

Type of Community Corrections Board:	County Advisory Board
Counties/Cities Participating in the CCAB:	Livingston
Date application was approved by the local CCAB:	April 11 <sup>th</sup> , 2023
Date application was approved by county board(s) of commissioners and/or city council:	April 24 <sup>th</sup> , 2023
Date application was submitted to OCC:	April 25 <sup>th</sup> , 2023

B: CCAB MEMBERSHIP <small>(please enter "vacant" for any vacant membership position)</small>		
Representing:	Name	Email
County Sheriff:	Mike Murphy	mmurphy@livgov.com
Chief of Police:	David Russell	drussell@unadillapolice.org
Circuit Court Judge:	Michael P. Hatty	mhatty@livgov.com
District Court Judge:	Daniel B. Bain	dbain@livgov.com
Probate Court Judge:	Miriam Cavanaugh	mcavanaugh@livgov.com
County Commissioner(s) <small>(One required for each member county):</small>	Roger Deaton	rdeaton@livgov.com
Service Area (Up to 3):	Connie Conklin- Livingston County CMH Carrie Skiles - GracePointe Church Carol Sue Reader Jennifer Bigelow	cconklin@cmhliv.org skiles_carrie@yahoo.com judgecsr@gmail.com jennifer.bigelow@att.net
County Prosecutor:	David J. Reader	dreader@livgov.com
Criminal Defense Attorney:	Karen Groenhout	kgroenhout@livgov.com
Business Community:	Curtis Griffin	curtisgriffin@yahoo.com
Communications Media:	Ken Rogulski	kenrogulski@yahoo.com
Circuit/District Probation:	Michael Boyden	mboyden@livgov.com
City Councilperson <small>(Applies to City or City/County Regional CCABs only – one from each member City/County required):</small>	N/A	N/A
Workforce Development:	Dawn Awrey	dawrey@mwse.org
1. Does your CCAB have Bylaws? Yes		

2. What steps does your CCAB take to orientate new CCAB members ensuring the understanding of their roles and responsibilities? **Introduction and brief orientation by the Chairperson and review of the bylaws with the Coordinator. This fiscal year our Project Director and Coordinator will be developing a formal New Board Member Orientation procedure.**
3. What steps are your CCAB taking to fill vacant membership positions (enter N/A if you have no vacant positions)? **N/A**

## SECTION II: DATA ANALYSES & COMPREHENSIVE CORRECTIONS PLAN

### Introduction and Instructions for your Comprehensive Corrections Plan:

Michigan Public Act 511, also known as the Community Corrections Act, was established in 1988 in an effort to improve the State's prison commitment rates (PCR) through the development and utilization of evidence-based, community corrections programming that targets moderate to high risk/needs offenders. Counties and regions establishing a Community Corrections Advisory Board (CCAB) appoint member stakeholders as required by PA-511 to identify and target local criminogenic needs that impact prison commitments and recidivism. CCABs are obligated to abide by PA-511 and Michigan Office of Community Corrections (MOCC) requirements when receiving MOCC funding, including but not limited to data tracking and analysis, key performance measures, as well as minimum program eligibility and utilization requirements.

This Application serves as your CCAB's Comprehensive Corrections Plan. To be considered for funding, it must include specific and detailed explanation as to how your plan will impact State Board Priorities, local prison commitment rates, recidivism, and local priorities/initiatives through identified key objectives. Strategies to obtain key objectives as well as performance measures must also be identified. For the purpose of this application, the following terms and definitions apply:

- **State Board Priority Populations** – CCABs requesting funding must target at least one of the following State Board Priority Populations:
  - Sentenced Felons assessed as having moderate to high risk/needs when using a State approved actuarial, objective validated risk and need assessment
  - Pretrial Population
- **Key Objectives** – CCABs requesting funding must identify at least one Key Objective for each of the following applicable categories:
  - **Reduction of Statewide Overall PCR** – *This is required for all CCABs requesting funding for any services/programming that targets sentenced felons.* This may include local objectives that impact Overall PCR, Group 2 Straddle PCR, OUIL 3<sup>rd</sup> PCR, PVT or PVNS Recidivism, or other categories that impact the State's Overall PCR.
  - **Increase of Statewide Appearance and Public Safety Rates for Pretrial Defendants** – *These are required for all CCABs requesting funding for any pretrial services and/or programming that targets pretrial defendants.* – This must include local objectives addressing appearance rates and public safety rates of pretrial defendants.

Your CCAB may identify other objectives in addition to these required objectives.

- **Supportive Strategies** – Proposed OCC funded programming and/or services, identified by CCIS Code and Local Program Name, that are intended to support the objectives identified.
- **Key Performance Measures** – Identified in each proposed program description, these are the specific methods your CCAB will utilize to measure outcomes of programming and their impact on State Board Priorities.

### **Felony Data Analyses:**

OCC will provide CCABs with relevant felony dispositional and recidivism data to complete the application. CCABs must analyze this data along with local CCIS data (reports run locally from COMPAS Case Manager) and develop key objectives and supportive strategies that will help attain local goals and support State Board Priorities.

A thorough analysis of the data should include:

- Overall PCRs, rates within sentencing guideline ranges, PCRs within Group 1 and Group 2 offense categories, status at time of offense and recidivism of probation violators, both new sentence and technical.
- Reference to changes in PCRs compared to prior year
- Review your past OCC funding proposals for ideas
- CCAB stakeholder changes
- New judicial, probation, or CCAB staff or other personnel issues that impact referrals, screenings, or programming
- Service provider changes or issues
- Trends in local criminality (example: increase in drug related offenses, decrease in probation violations, etc.)
- Development or changes in local court services or programming (example: new Specialty Court programming, changes to court programming eligibility, etc.)

**Your data analyses form the basis of your objectives and strategies. A weak link between them may result in denial of, or conditional revisions to, your Comprehensive Corrections Plan. Therefore, it is important to demonstrate a solid connection between your data, objectives, and supportive strategies.**

Your CCAB must then determine its proposed PCR category/categories based on this analysis, with consideration given to the average of the last 3 years. Your CCAB must then identify the strategies that will impact its PCR category/categories. **All strategies that you are requesting funding for must also be listed on the Budget Cost Description and have a completed Program Description.** If you request funding for a program or service that is not identified as a strategy impacting any objective, it will not be considered for funding.

Example #1: State Board Priority Target Population: Sentenced Felons.

Objective: To reduce the County's Overall Prison Commitment Rate (PCR) to 16% or less.

Supportive Strategy: C01 Thinking Matters, G18 Intensive Outpatient Group, & B15 Employment Skills.

Example #2: State Board Priority Target Population: Pretrial Population

Objective: To increase the County's current Appearance Rate from 87% to 90%.

Supportive Strategy: F22 PRAXIS and F23 Pretrial Supervision Services.

Example #3: State Board Priority Target Population: Pretrial Population

Objective: To increase the County's current Public Safety Rate from 80% to 89%.

Supportive Strategy: F22 PRAXIS and F23 Pretrial Supervision Services.

### **A: FELONY DATA ANALYSES**

1. Using felony dispositional data supplied by MOCC, please fill in the rates (%) and number of dispositions for the **previous two fiscal years** in the two charts below.
2. Does the following data exclude felony dispositions with prisoner status at time of the offense? ☐ Yes ☒ No

<b>FY 2021 State PCR:</b>	<b>16.5%</b>	<b>Group 2 Rate:</b>	<b>11.6%</b>	<b>Straddle Cell Rate:</b>	<b>19.7%</b>	<b>Group 2 Straddle Rate:</b>	<b>18.6%</b>
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Overall PCR:	15% - 65 prison dispositions out of 433 felony dispositions						
Group 1:	21.2% - 31 prison dispositions out of 179 felony dispositions						
Group 2:	10.6% - 27 prison dispositions out of 254 felony dispositions						
Straddle PCR:	15.1% - 19 prison dispositions out of 126 felony dispositions						
Group 1:	19.6% - 9 prison dispositions out of 46 felony dispositions						
Group 2:	12.5% - 10 prison dispositions out of 80 felony dispositions						
FY 2022 State PCR:	18.4%	Group 2 Rate:	12.6%	Straddle Cell Rate:	21.1%	Group 2 Straddle Rate:	20.3%
Overall PCR:	15.6% - 81 prison dispositions out of 520 felony dispositions						
Group 1:	25.4% - 51 prison dispositions out of 201 felony dispositions						
Group 2:	9.4% - 30 prison dispositions out of 319 felony dispositions						
Straddle PCR:	14.7% - 23 prison dispositions out of 156 felony dispositions						
Group 1:	4.4% - 2 prison dispositions out of 45 felony dispositions						
Group 2:	18.9% - 21 prison dispositions out of 111 felony dispositions						

### 3. ANALYSIS

- a. *For returning applicants:* Did you meet your Key Objectives for the previous two fiscal years? No If not, please provide an analysis of why: **One of Key Objectives was to reduce the overall Prison Commitment Rate (PCR) to 14% or less. Our County saw a slight increase from FY21 to FY22 of .6% to 15.6%. This is an increase but it is a slight increase which is due to the increase of felony dispositions from FY21 to FY22. This increase is most likely due to the continued effects of the COVID Pandemic on the Courts. From FY21 to FY22, there was an increase in the number of felony dispositions by 88. If you compare Livingston County's PCR to the overall State PCR our County PCR is 2.8% below the State. In our County, we will continue to strive to reduce the PCR in FY24 with additional programming. The second Key Objective was to reduce the County's overall PCR for Group 2 Straddle Cell Offenders to 12% or less. In FY22, for straddle cell offenders, our PCR was 14.7% which was a reduction from FY21 by .4% and 6.7% below the State PCR. Our County will continue to work toward reducing our PCR for Group 2 Straddle Cell Offenders. The last Key Objective was to reduce the County's recidivism rate for PVNS to 15% or less and the recidivism rate for PVT to 11.5% or less. In FY22, Livingston county's recidivism rate for PVNS was 12% which is 3% less than our goal. The recidivism rate for PVT was 6% which is significantly lower than our goal.**
- b. *For all applicants:* Please provide information/local data to explain any changes in PCRs and dispositions. If requesting programming for specific populations (examples: OUIL-3rds, delayed/deferred sentences, prison diversion, pretrial, etc.) please provide supportive data analyses for these populations, including any additional pertinent information necessary to establish trends: **Between FY21 and FY22, there were 16 additional prison dispositions and 88 additional overall felony dispositions. This was most likely due to the continued effect of the COVID-19 Pandemic affecting court operations.**

## B: FELONY RECIDIVISM ANALYSIS

Using felony recidivism data supplied by MOCC (Report #3), please fill in the following table to report the number of Probation Violators ***that resulted in a prison disposition*** for each listed category. Regional CCABs should list the Probation Violation data for each County separately and provide a total, regional rate at the end of each row.

FY 2022 Recidivism Rates							
County Name	Livingston County						Totals for Region:

FY 2022 Probation Violation - New Sentence to Prison							
Total	10						
FY 2022 Probation Violation – Technical to Prison							
Total	5						
<p><b>1. ANALYSIS</b></p> <p>a. <i>For all applicants:</i> Please provide information/local data to explain any changes in Probation Violator data, including prison and non-prison dispositions: <b>The new sentence probation violation number of 10 has been relatively consistent over the last 2 fiscal years. Despite this increase in dispositions, the number of PVNS remained the same at 10 from FY21 to FY22. In FY22, this shows that Livingston County has kept the same amount of people local as in FY21. The number of PVT has reduced from 8 to 5 since FY21.</b></p>							

C: IMPACTING STATE BOARD PRIORITIES	
❖ TARGET POPULATIONS, KEY OBJECTIVES, AND STRATEGIES	
<p><b>NOTE:</b></p> <ul style="list-style-type: none"> <li>• Target Populations include Sentenced Felons and Pretrial Population.</li> <li>• CCABs applying for funding targeting Sentenced Felons <u>must have at least one</u> Sentenced Felons Key Objective.</li> <li>• CCABs applying for funding targeting Pretrial Population <u>must have both</u> Pretrial Population Key Objectives (Appearance Rate and Public Safety Rate).</li> <li>• CCABs may identify additional Key Objectives that support proposed programming.</li> <li>• Key Objectives should be measurable and provide sufficient detail so progress can be monitored.</li> <li>• Strategies are the local programs that will be used to impact your Key Objectives.</li> <li>• Only proposed programs that impact at least one Key Objective will be considered for funding.</li> </ul>	
1.	<p><b>Key Objective #1 is intended to impact</b> Choose an item.  Please state the Objective: <b>REDUCE THE COUNTY'S OVERALL PRISON COMMITMENT RATE (PCR) TO 14% OR LESS BY PROVIDING PROGRAMMING TO SENTENCED FELONS</b></p>
<p><u>List</u> OCC Programs in support of Objective #1 (include CCIS Code and Local Name of Program <i>as they appear on the program descriptions</i>):</p> <p><b>C01 Thinking Matters, G18 Outpatient Treatment Services, &amp; G17 Substance Abuse Testing</b></p>	
<p><u>List</u> Non-OCC funded Programs in support of Objective #1:</p> <p><b>Specialty Treatment Courts: Adult Drug Treatment Court, Intensive Treatment Mental Health Court, Veterans Treatment Court, Swift and Sure Sanctions Probation Program</b></p>	
<p><b>Other Services geared towards reducing the overall number of Prison Commitments:</b></p> <p>Substance Use Disorder Services:  Livingston County Community Mental Health  Substance Use Counseling Services  Substance Use Assessments  Individual Substance Use Counseling  Group Substance Use Counseling  Complete Counseling Center  Fork in the Road Counseling  Key Development</p>	

<p>Livingston County Catholic Charities  Advanced Behavioral Medicine  Karen Bergbower and Assoc.  PERS (Prevention Education Referral Services)  Sober Living</p> <p>Domestic Violence Services:  LACASA  Complete Counseling  PERS  Livingston County Catholic Charities – Anger Management</p>
<p><b>2. Key Objective #2 is intended to impact</b> Choose an item.  <b>Please state the Objective:</b></p>
<p>List OCC Programs in support of Objective #2 (include CCIS Code and Local Name of Program <i>as they appear on the program descriptions</i>):</p>
<p>List Non-OCC funded Programs in support of Objective #2:</p>
<p><b>3. Key Objective #3 is intended to impact</b> Choose an item.  <b>Please state the Objective:</b></p>
<p><u>List</u> OCC Programs in support of Objective #3 (include CCIS Code and Local Name of Program <i>as they appear on the program descriptions</i>):</p>
<p>List Non-OCC funded Programs in support of Objective #3:</p>
<p><b>4. Key Objective #4 is intended to impact</b> Choose an item.  <b>Please state the Objective:</b></p>
<p><u>List</u> OCC Programs in support of Objective #4 (include CCIS Code and Local Name of Program <i>as they appear on the program descriptions</i>):</p>
<p>List Non-OCC funded Programs in support of Objective #4:</p>

<p><b>D: COMPAS CRIMINOGENIC NEEDS PROFILE</b></p> <p>1. Please list the Top 3 needs scales (medium/probable and high/highly probable combined) as identified within the COMPAS Criminogenic Needs and Risk Profile for <b><i>all probationers</i></b> provided by OCC. Additionally, identify both the local and proposed OCC strategies that will impact the identified needs scales. <b><i>OCC funded strategies must be identified by CCIS Code and Local Name of Program as it appears on the program descriptions: Substance Use (G18-SUD Treatment and G17-Substance Use Testing), Criminal Thinking (C01-Thinking Matters) and Social Isolation (C01-Thinking Matters and G18-SUD Treatment)</i></b></p>
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<p><b>E: LOCAL PRACTICES TO ADDRESS PERSONS WITH SUBSTANCE USE DISORDER(S)</b></p> <p>1. How do defendants and offenders get screened for substance use services in your area (regardless of funding source)? <b>Community Mental Health and local Substance Use Agencies</b></p> <p>2. How do defendants and offenders get referred for a substance use assessment and subsequent appropriate ASAM Level of Care in your area (regardless of funding source)? <b>The referral is made by a MDOC Probation Agent and sent to the Community Corrections Coordinator who sends the referral to our local, contracted</b></p>
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**Substance Use Treatment Agency-Key Development if private health insurance and if medicaid, sent to CMH Access.**

3. Are there any barriers or gaps in service to obtaining an assessment and treatment that your CCAB is requesting OCC funding to fill? **No** If so, please describe in detail:
4. What non-PA 511 funded services are available in your area? Be sure to include treatment court services.  
**Specialty Treatment Courts: Adult Drug Treatment Court, Intensive Treatment Mental Health Court, Veterans Treatment Court, Swift and Sure Sanctions Probation Program**
5. **Other Services geared towards reducing the overall number of Prison Commitments:**
6. **Substance Use Disorder Services:**
7. **Livingston County Community Mental Health**
8. **Substance Use Counseling Services**
9. **Substance Use Assessments**
10. **Individual Substance Use Counseling**
11. **Group Substance Use Counseling**
12. **Complete Counseling Center**
13. **Fork in the Road Counseling**
14. **Key Development**
15. **Livingston County Catholic Charities**
16. **Advanced Behavioral Medicine**
17. **Karen Bergbower and Assoc.**
18. **PERS (Prevention Education Referral Services)**
19. **Sober Living**
20. **Domestic Violence Services:**
21. **LACASA**
22. **Complete Counseling**
23. **Livingston County Catholic Charities – Anger Management**

## **F: COMPREHENSIVE CORRECTIONS PLAN SUMMARY**

1. Please explain how the Comprehensive Corrections Plan, in coordination with the local practices, will impact the State Board Priorities, and ultimately offender success: All programs that we are requesting funding for are aimed at addressing the needs of sentenced felons and felony probation violators, both new sentence and technical. Our County is requesting additional funds to provide training to our staff, add trauma programming, and provide Thinking Matters in the jail in addition to in the community. These services will help to reduce not only the PCR for Livingston County but for the entire State.
2. What steps will you take if you find that you are not meeting your objectives, or your strategies are not being implemented as planned? **The Project Director will look at the process and work with the Community Corrections Coordinator and CCAB to re-assess our implementation and correct any issues we may have encountered. If needed, to reach out to our OCC Specialist with any questions or issues we may encounter.**
3. Program eligibility overrides may be requested in writing to the assigned OCC Specialist. Please document any additional override procedures your CCAB has approved. **N/A**



**MICHIGAN DEPARTMENT OF CORRECTIONS**  
**OFFICE OF COMMUNITY CORRECTIONS**  
**FY 2024 FUNDING PROPOSAL**

**Livingston County**

**Comprehensive Plans & Services**

Program	Program Code	Funding Request	Approved Funding
<b>Group-Based Programs</b>			
Education	B00	-	
Employment	B15	-	
Cognitive	C01	16,920	
Domestic Violence	C05	-	
Sex Offender	C06	-	
Outpatient Services	G18	31,160	
Other Group Services	G00	-	
<b>Sub-Total</b>		48,080	-
<b>Supervision Programs</b>			
Intensive Supervision	D23	-	
Electronic Monitoring	D08	-	
Pretrial Supervision	F23	-	
<b>Sub-Total</b>		-	-
<b>Assessment Services</b>			
Actuarial Assessment	I22	-	
Pretrial Assessment	F22	-	
<b>Sub-Total</b>		-	-
<b>Case Management</b>	I24	-	
<b>Substance Abuse Testing</b>	G17	27,648	
<b>Other</b>	Z00	-	
<b>5 Day Housing</b>	Z02	-	
<b>Program Total</b>		75,728	-
<b>Administration</b>			
Salary & Wages		29,392.54	
Contractual Services		-	
Equipment		-	
Supplies		-	
Travel		-	
Training		-	
Board Expenses		-	
Other		-	
<b>Administration Total</b>		29,393	-
<b>Total Comprehensive Plans &amp; Services</b>		105,120	0

TOTAL FUNDING REQUEST

\$ 105,120.04

RESOLUTION

NO: 2023-04-065

LIVINGSTON COUNTY

DATE: April 24, 2023

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**Resolution Authorizing the Microfilm Conversion Project and Distribution of American Rescue Plan Act (ARPA) Funding - County Clerk**

**WHEREAS,** Resolution 2022-12-192 outlined a plan for the strategic use and distribution of American Rescue Plan Act (ARPA) funding; and

**WHEREAS,** a total of \$243,125 of ARPA funding was identified for the County Clerk's Legal Division; and

**WHEREAS,** the County Clerk's Legal Division is requesting \$243,125 of this allocation for the purpose of converting 1,495 rolls of microfilm containing copies of historical court records into a digital format, which will provide improved access to government information and an improved user experience for the internal and external stakeholders making records requests. Furthermore, it is expected this project will reduce the administrative burden on the clerk's office and allow for a streamlined process delivering records requests; and

**WHEREAS,** this is an eligible use of ARPA funding and will be listed under the *Expenditure Category:3.4 Public Sector Capacity: Effective Service Delivery* for federal reporting purposes.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby authorizes the amount of \$243,125 of ARPA funds for the County Clerk's Microfilm Conversion Project, to be provided by Equasure (contractor that provides scanning services), for the purpose of improving access to and the user-experience of requesting legal records from the County.

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

**BE IT FURTHER RESOLVED** that the Board of Commissioners authorizes any budget amendments needed to effectuate this project.

**BE IT FURTHER RESOLVED** that from the date of approval of this resolution until the project is completed, as outlined in Resolution 2022-12-192, the County Clerk's Legal Division shall provide a written update on the status of the project every three (3) months and shall present, in person, to the Finance and Asset Management Committee every six (6) months until the project is complete.

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**MOVED:  
SECONDED:  
CARRIED:**



Last updated 1/22/2023

## **Livingston County**

# **ARPA Local Fiscal Recovery Fund Project Information Form**

### **Local Fiscal Recovery Fund Resources**

- [Final Rule](#), January 2022, effective April 2022: Finalized version of the interim final rule, with amendments. Implements the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act.
- [Compliance and Reporting Guidance](#), version 4.2, updated August 2022: Guidance that reflects the Final Rule, as opposed to the Interim Final Rule (May 2021) and provides clarity on recipient's compliance and reporting responsibilities, such as statutory eligible uses and award terms and conditions.
- [Overview of the Final Rule](#), January 2022: Provides a summary of major provisions of the final rule and should be used as a simplified user guide; does not include all funding requirements.
- [Project and Expenditure Report User Guide](#), version 3.1, updated July 2022: Provides information on using the Treasury's Portal to submit SFRF Project and Expenditure Reports; supplement to the Compliance and Reporting Guidance. Guidehouse is primarily responsible for understanding this user guide, but FAQs on page 106 may be of general interest.
- [Frequently Asked Questions](#), updated July 2022: Based on final rule and offers guidance on eligible uses.

### **Definitions**

- **Project:** A project is a grouping of closely related activities that together are intended to achieve a specific goal or directed toward a common purpose. Recipients have the flexibility to define their projects in a way that provides the greatest clarity on the work which will be performed.
- **Expenditure Category:** Each project for which SFRF funds were used should be scoped to align to a single Expenditure Category. There may be multiple projects assigned to a single Expenditure Category. Required programmatic data varies based on the project's assigned Expenditure Category.
- **Obligations:** An obligation is an order placed - such as a contract - and similar transactions that require payment (e.g., grant, loan, or other arrangement).
- **Expenditures:** An expenditure is the amount that has been incurred as a liability of the entity (the service has been rendered or the good has been delivered to the entity and payment is due)
- **Subaward:** An award provided by the Recipient to a subrecipient for the subrecipient to carry out part of a Federal award received by the Recipient. A subaward may be provided through any form of legal agreement, including an agreement that the Recipient



Last updated 1/22/2023

considers a contract. For reporting purposes, subaward types include contracts, grants, loans, direct payments, or government transfers.

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**Project Name:** Microfilm Conversion Project

**County Department or Organization Making Request:** Livingston County Clerk, Legal Division

**Primary Contact/Project Owner**

Name: Elizabeth Hundley  
Title: Livingston County Clerk  
Email: ehundley@livgov.com  
Phone: 517-546-0500

Name: Kristi Cox  
Title: Livingston County Chief Deputy Clerk  
Email: kcox@livgov.com  
Phone: 517-546-9816

**Estimated Cost:** \$243,125

**Estimated Project Timeline**

Unknown – depending on schedule of vendor, Equasure but needed ASAP

**Implementing Entity (Department, Agency, Organization):** *Enter Department, Agency, Organization*

**Project Description to include impact of COVID-19, intended impact of project, and general description of services** (50-250 words) (Project leaders are encouraged to provide the County with any additional materials to describe their projects)

See attached.

**What was the harm caused by COVID to justify this project?**

The public was unable to access the records that were on microfilm due to the closure of the lobby. Once the lobby was opened, access to the microfilm records was limited due to the requirement for safe distancing. If the records are electronic, we can simply provide them to the requestor electronically. This would substantially decrease foot traffic in the building, while granting full ease of access to the requestor.



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**How does this project address the impact from COVID-19?**

It allows the public, attorneys, law enforcement, and private industry to conduct its day-to-day business without restriction of access to court records.

**Describe who the beneficiaries of this project are perceived to be.**

The general public, lawyers, background investigators, credit bureaus, law enforcement

**Is this a new project or an expansion of an existing project? If existing, please explain the purpose of the expansion.**

The files that have not already been placed on microfilm are currently being scanned into an electronic file storage. However, it is impossible to scan microfilm electronically.

**Describe the structure of the program (i.e. what is the flow of the funding, are there any contractors/subrecipients/beneficiaries?) (see Appendix C for information on non-Federal entities)**

The County currently has a contract with Equasure, who has provided scanning services in the past for the Court. Equasure would be contracted to convert the images on microfilm to CD. The files on CD would then be uploaded into the electronic file management system, while the CD's would be preserved for back-up to that system. It should be noted that Equasure's newest contract is continuing the same costs as their last contract. It is unlikely their next contract will not incorporate an increase in costs.

**Will this project involve capital expenses?**

Yes ☐

No ☒

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Describe how the investment creates a lasting impact to improve economic, environmental, social and health outcomes for residents.

See attached.

Describe how this project will leverage funds from other public, private, and non-profit sources. (if applicable)

As described in the attached, it has the potential to eliminate the need for additional staff, which will be required if the files remain on microfilm.

Describe the financial sustainability plan for the years beyond County funding. (if applicable)

N/A



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## Accountability Measures

What are the performance indicators (inputs, outputs, outcomes) that the project would track to measure impact?

The indicators would ultimately be the accessibility of records.

Describe the internal controls (e.g., process documentation, procurement) that will be used to ensure use of funds is consistent with SLFRF guidance. Who will be responsible for data collection, compliance, and reporting for this project?

Kristi Cox, Chief Deputy County Clerk

For projects addressing negative economic impacts and serving impacted or disproportionately impacted communities, as defined in the Final Rule ([see Appendices A and B](#)).

Does the project target any populations, demographics, and/or geographic regions presumed to be *impacted* by COVID-19?

No – it affects all sectors.

- (a) Would the eligibility requirements for the program or service be such that the primary intended beneficiaries' income is (1) at or below 300 percent of the Federal Poverty Guidelines, or (2) at or below 65 percent of the AMI for Livingston County?

No – but they will benefit.

- (b) Does the project target individuals eligible for any of the qualifying federal programs listed in Appendix B, number 2?

No – but they will benefit.

Does the project target any populations, demographics, and/or geographic regions presumed to be ***disproportionately impacted*** by COVID-19?

No – it affects all sectors.

- (c) Would the eligibility requirements for the program or service be such that the primary intended beneficiaries' income is (1) at or below 185 percent of the Federal Poverty Guidelines, or (2) at or below 40 percent of the AMI for Livingston County?

No, but they will benefit.



Last updated 1/22/2023

- (d) Does the project target individuals eligible for any of the qualifying federal programs listed in Appendix C, number 2?

No, but they will benefit.



Last updated 1/22/2023

## Appendix A: Guidelines for Identifying *Impacted* Households or Communities

Based on the SLFRF Final Rule, recipients may presume that an individual, household, or community was impacted by the pandemic and eligible for the associated services enumerated in the rule if any of the following criteria are met:

1. The primary intended beneficiaries' income<sup>1</sup> is at or below 65 percent of Livingston County's Area Median Income or at or below 300 percent of the Federal Poverty Guidelines.<sup>2</sup>

Size of household	Moderate income		
	65% AMI	300% FPG	Threshold
1	45,435	38,640	38,640
2	51,935	52,260	52,260
3	58,435	65,880	65,880
4	64,870	79,500	79,500
5	70,070	93,120	93,120
6	75,270	106,740	106,740
7	80,470	120,360	120,360
8	85,670	133,980	133,980

2. The primary intended beneficiaries are eligible for any of the following federal programs:
  - a. Children's Health Insurance Program (CHIP)
  - b. Childcare Subsidies through the Child Care and Development Fund (CCDF) Program
  - c. Medicaid
  - d. National Housing Trust Fund (HTF), for affordable housing programs only
  - e. Home Investment Partnerships Program (HOME), for affordable housing programs only

<sup>1</sup> "Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community." Overview of the Final Rule, p. 17. <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>

<sup>2</sup> Thresholds from the U.S. Treasury's Tool for Determining Low and Moderate Income (LMI) Households. Last updated February 2022. <https://home.treasury.gov/system/files/136/SLFRF-LMI-tool.xlsx>





Last updated 1/22/2023

## Appendix B: Guidelines for Identifying *Disproportionately Impacted* Households or Communities

Based on the SLFRF Final Rule, recipients may presume that an individual, household, or community was disproportionately impacted by the pandemic and eligible for the associated services enumerated in the rule if any of the following criteria are met:

1. The primary intended beneficiaries' income<sup>3</sup> is at or below 40 percent of Muskegon County's Area Median Income or at or below 185 percent of the Federal Poverty Guidelines.<sup>4</sup>

Size of household	Low income		
	40% AMI	185% FPG	Threshold
1	27,960	23,828	27,960
2	31,960	32,227	32,227
3	35,960	40,626	40,626
4	39,920	49,025	49,025
5	43,120	57,424	57,424
6	46,320	65,823	65,823
7	49,520	74,222	74,222
8	52,720	82,621	82,621

2. The primary intended beneficiaries are eligible for any of the following federal programs:
  - a. Temporary Assistance for Needy Families (TANF)
  - b. Supplemental Nutrition Assistance Program (SNAP)
  - c. Free and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs
  - d. Medicare Part D Low-income Subsidies Supplemental Security Income (SSI)
  - e. Subsidies Supplemental Security Income (SSI)
  - f. Head Start and/or Early Head Start
  - g. Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
  - h. Section 8 Vouchers
  - i. Low-Income Home Energy Assistance Program (LIHEAP)
  - j. Pell Grants

<sup>3</sup> "Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community." Overview of the Final Rule, p. 19. <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>

<sup>4</sup> Thresholds from the U.S. Treasury's Tool for Determining Low and Moderate Income (LMI) Households. Last updated February 2022. <https://home.treasury.gov/system/files/136/SLFRF-LMI-tool.xlsx>



Last updated 1/22/2023

3. The primary intended beneficiaries live in a Qualified Census Tract (QCT) (Low-Income Housing Tax Credit Qualified Census Tracts must have 50 percent of households with incomes below 60 percent of the Area Median Gross Income (AMGI) or have a poverty rate of 25 percent or more.) **Note – there are no QCTs in Livingston County, MI** (<https://www.huduser.gov/portal/datasets/qct.html#2022>)



Last updated 1/22/2023

## Appendix C: Non-Federal Entities

The Local Fiscal Recovery Funds are subject to 2 C.F.R. Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“Uniform Guidance”). Uniform Guidance provide recipients of federal grants a set of standards related to procurement, internal controls, subrecipient monitoring, auditing practices, and more.

A key part of compliance with Uniform Guidance is subrecipient monitoring. As part of administering SLFRF, it is critical that non-Federal entities<sup>5</sup> are properly identified. Appropriate classification is important as it impacts procurement and subrecipient monitoring requirements. If you are unsure of a non-Federal entity’s classification, please contact Guidehouse for additional resources.

In determining whether an agreement between the County and a non-Federal entity casts the latter as a subrecipient, contractor, or beneficiary, the substance of the relationship is more important than the form of the agreement. *All of the characteristics listed below may not be present in all cases, and the County must use judgment in classifying each agreement as a subaward or a procurement contract.*

The three classifications of recipients are as follows:

**Subrecipient:** A subaward for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship. Characteristics include:

- (1) Determines who is eligible to receive Federal assistance;
- (2) Has its performance measured in relation to whether objectives of a federal program were met;
- (3) Has responsibility of programmatic decision-making;
- (4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; **and**
- (5) In accordance with it’s agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the [County].<sup>6</sup>

**Contractor:** A contract is for the purpose of obtaining goods and service for the non-Federal entity’s own use and creates a procurement relationship. Characteristics include:

- (1) Provides the goods and services within normal business operations;
  - (2) Provides similar goods or services to many different purchasers;
  - (3) Normally operates in a competitive environment;
  - (4) Provides goods or services that are ancillary to the operation of the Federal program;
- and**

<sup>5</sup> Note: Non-Federal entity refers to subrecipients, contractors, and beneficiaries. Final Rule generally refers to anyone receiving a payment from the County as a “subrecipient.” In the Public Health and Economic Impacts sections, the Final Rule does identify eligible beneficiaries as part of the distinctions between the general public, impacted, and disproportionately impacted. In the reporting guidance and reports, all non-Federal entities are jointly referred to as “subrecipients.”

<sup>6</sup> <https://www.law.cornell.edu/cfr/text/2/200.331>



Last updated 1/22/2023

- (5) Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.<sup>7</sup>

**Beneficiaries:** Households, small businesses, or nonprofits that receive assistance based on impacts of the pandemic that they experienced.<sup>8</sup> Beneficiaries are not subject to audit pursuant to the Single Audit Act and 2 C.F.R. Part 200, Subpart F.

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<sup>7</sup> <https://www.law.cornell.edu/cfr/text/2/200.331>

<sup>8</sup> <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>



Last updated 1/22/2023

## Appendix D: Capital Expenditures

The Local Fiscal Recovery Funds are subject to 2 C.F.R. Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“Uniform Guidance”). Uniform Guidance provide recipients of federal grants a set of standards related to procurement, internal controls, subrecipient monitoring, auditing practices, and more.

The SLFRF Final Rule adopts several definitions from the Uniform Guidance including for capital expenditures, capital assets, equipment, and supplies. These definitions are noted below:<sup>9</sup>

- **Capital expenditure:** Expenditure to acquire capital assets or to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life
- **Capital asset:** Tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with Generally Accepted Accounting Principles (GAAP); includes lands, facilities, equipment, and intellectual property
- **Equipment:** Tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000

*Supplies, meaning all tangible personal property other than those included as “equipment,” are not considered capital expenditures.*

Recipients may also use SLFRF funds for pre-project development costs that are tied to or reasonably expected to lead to an eligible capital expenditure. For example, pre-project costs associated with planning and engineering for an eligible project are considered an eligible use of funds.

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<sup>9</sup> <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule.pdf>

Last updated 1/22/2023



## GUIDEHOUSE ELIGIBILITY ASSESSMENT

<b>Project Name</b>	Microfilm Conversion Project
<b>Estimated Cost</b>	\$243,125
<b>Risk Level (for non-revenue loss categories)</b>	Low
<b>LFRF Supporting Guidance</b>	<p><i>Treasury is clarifying that recipients may use SLFRF funds toward the following non-exhaustive list of uses to address the data, evidence, and program administration needs of recipients... Technology infrastructure resources to improve access to and the user-experience of government information technology systems, including upgrades to hardware and software as well as <b>improvements to public-facing websites or to data management systems, to increase public access and improve public delivery of government programs and services (including in the judicial, legislative, or executive branches).</b></i> (SLFRF Final Rule pg. 187-189)</p> <p><i>Enumerated eligible uses include:</i></p> <ul style="list-style-type: none"> <li>• <i>Data analysis resources to gather, assess, share, and use data</i></li> <li>• <i>Technology infrastructure to <b>improve access to and the user experience</b> of government IT systems, as well as technology improvements to increase public access and delivery of government programs and services)</i> (SLFRF Final Rule Overview pg.29)</li> </ul>
<b>Proposed Expenditure Category</b>	EC 3.4 Public Sector Capacity Effective Service Delivery
<b>Disadvantaged Communities Requirement?</b>	n/a
<b>Other potential reporting requirements</b>	<ul style="list-style-type: none"> <li>• Obligations and Expenditures</li> <li>• Project Status <ul style="list-style-type: none"> <li>○ <i>Not Started</i></li> <li>○ <i>Completed less than 50 percent</i></li> <li>○ <i>Completed 50 percent or more</i></li> <li>○ <i>Completed</i></li> </ul> </li> <li>• Project Description</li> <li>• Brief description of structure and objectives of assistance program(s), including public health or negative economic impact experienced.</li> <li>• Brief description of how a recipient's response is related and reasonably proportional to a public health or negative economic impact of COVID-19.</li> <li>• Subaward Information</li> <li>• Subrecipient/Vendor Information</li> </ul>
<b>Recommendations/Concerns</b>	<ul style="list-style-type: none"> <li>• Be aware that if purchasing this equipment under this EC will result in 2 CFR 200 requirements apply to it.</li> </ul>

Livingston County | Planning and Implementation of ARPA Projects  
Date: 4/06/23

Additional information requests	<ul style="list-style-type: none"><li>• Was the contract the County has with Equasure (for scanning services) competitively procured?<ul style="list-style-type: none"><li>○ Given this expense is under \$250,000 from a federal standpoint this would qualify as a 'Small Purchase', meaning the County would only need to collect 3 bids for services. If that was done prior with the existing contract, you'll likely be covered. However, we recommend confirming this with your internal counsel or procurement lead.</li></ul></li></ul>



The Circuit Court has approximately 1,495 rolls of microfilm containing copies of old court files. We propose that \$243,125 in ARPA funds be expended to convert this microfilm to digital files. This would serve many purposes.

During COVID, we realized how critical access to these records are. We spent innumerable hours researching microfilm files for the public, which they would have done themselves under normal circumstances. We average at least one person per day reviewing old microfilm in our lobby. It should be noted that although we received copy fees for the items we ultimately printed for the requestor, it would sometimes take 30-45 minutes to locate the document on microfilm for them, thus creating a net deficit.

When the lobby reopened to the public, issues were created by the lack of floor space. If we had a customer at each window, which is the normal case – and a person at the microfilm machine, all other members of the public had to wait in the hallway in order to observe the proper six foot distance. This created a host of issues for people on a schedule.

The requests to view microfilm has increased due to the public reaching retirement age and needing certified copies of their prior divorce judgments, as well as the need for certified copies of prior convictions for requests to set aside under the new “Clean Slate” legislation.

Finally, the microfilm machine was a magnet for children who are usually unattended in the lobby while their parents are busy talking to our staff or filling out forms. The children constantly touch it. During COVID, we were forced to stop what we were doing and wipe down the machine frequently to protect the public from infection.

The service contracts for the microfilm machines are covered by Central Services and I’m no longer privy to their annual cost. However, I do recall the last time we had to replace a bulb, the cost of that bulb was \$300 on Amazon. It was much more expensive through the supplier.

On April 1, 2022, a court rule came into effect that prohibits the Court from distributing any documents that contain a party’s personal identifying information, MCR 1.109(D)(9). Although it does carve out some exceptions, there remain many requirements the court is not exempted from. That information is contained in the microfilmed files. Most files containing protected identifying information are criminal and domestic. Criminal cases filed pre-2009 are all on microfilm. Domestic cases without children filed pre-2009 are on microfilm. Domestic cases with children filed pre-2001 are on microfilm. Additionally, there will be some civil cases that contain protected identifying information. Civil cases filed pre-2008 are on microfilm.

On April 11, 2023, the State’s new “clean slate” legislation takes effect, MCL 780.621d. This will cause many files to become non-public. The rolls of microfilm will then contain non-public files mixed in with public files. Some files will contain *within themselves* some charges that are public and some that are non-public. These will be especially tricky to navigate. The legislation will affect criminal cases filed in the last 100 years. Criminal cases filed pre-2009 are on microfilm.

A proposed amendment to Michigan Court Rule 8.119(I)(9) proposes: “The court must redact all information related to the set aside conviction or convictions before making the case record available to the public in any format.” Clearly, this would include microfilm.

When the public is in the lobby, viewing a public file on microfilm, they will have non-public information and personal identifying information available for their viewing throughout that entire roll of microfilm. The only means to prevent this is to print the entire file from microfilm, redact it, and then allow the public to view those redacted copies. They may opt to photograph those with their phone or not purchase copies. This would be a net loss and labor-intensive.

It is anticipated that when these files are converted to digital images, the files can be quickly loaded into the OnBase system. OnBase has a toggle function to assign a status of public or non-public. Any files that are public can be quickly reviewed and any personal identifying information can be redacted within the program itself.

It cannot be stressed enough that without this assistance, the Circuit Court Clerk's office will not be able to handle all of this additional work and it could easily result in the request for additional FTEs.

RESOLUTION

NO: 2023-04-066

LIVINGSTON COUNTY

DATE: April 24, 2023

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## **Resolution to Authorize a First Quarter Budget Amendment to the Fiscal Year 2023 Budget – Fiscal Services**

**WHEREAS,** the proposed amendment ensures compliance with the Uniform Budgeting and Accounting Act, as amended; and

**WHEREAS,** the proposed amendment recognizes actual expenditure activity for the first quarter of 2023 and includes:

- Increase in General Fund Contingencies – Vision Tour for Sheriff Deputy Assigned Vehicle (DAV) and pre-pandemic levels staffing (PPLEV) projects.
- Increase/decreases in departmental expenditures to correspond to actual activity.
  - Increase in Sheriff for collective bargaining agreement equipment allowance payouts, speed sign and radar replacements, and offset with a decrease in operating supplies equipment
  - Increase in per diem to accommodate the increase in number of Board of Public Works members from 7 to 9
  - Net zero transfer in Drain for collection event expenses
  - Increase in Fiscal Services for increased costs for Financial Analyst position
- Net zero transfer in Jail Commissary for operating supply subscriptions
- Increase in Sheriff to establish Department of Justice Equitable Share budget
- Increase in State DPW Scrap Tire grant expenses offset by revenue
- Decrease in expenses at Septage Receiving to amend the budget as approved by the Board of Public Works
- Increase in Register of Deed's Automation to establish a 2023 operating budget
- Increases in EMS for insurance claim reimbursements, RAP grant reimbursement for stair chairs, and tuition reimbursement; all offset by revenue
- Net zero transfer in EMS for IT internal service costs for an additional laptop
- Increase in Health for additional Personnel, IT equipment, copier, and operating supplies; all offset by revenue
- Increase in Carpool to offset increases for Sheriff vehicle outfitting and Register of Deeds carpool rentals
- Net Zero transfer in Veterans for IT internal service costs
- Increase in Veterans Donation Fund to establish a 2023 budget
- Increase in Veterans personnel costs for an Intern
- Increase in Veterans for miscellaneous expenses offset by surplus auction revenue.

**THEREFORE, BE IT RESOLVED** that the Board of Commissioners authorizes the following budget amendment to the Fiscal-Year 2023 Budget as illustrated below:

FUND/Org	Approved 2023 budget	Proposed amendment	Amended 2023 budget
101 - General Fund	\$ 56,834,508	\$ 2,010,659	\$ 58,845,167
210 - EMS	\$ 13,366,788	\$ 247,447	\$ 13,614,235
215 - FOC	\$ 3,025,528	\$ 59,337	\$ 3,084,865
221 - Health	\$ 5,139,063	\$ 195,161	\$ 5,334,224
233 - Veterans Donation Fund	\$ -	\$ 12,128	\$ 12,128
238 - FED Grant Court Central Srvs	\$ 226,385	\$ 1,036	\$ 227,421
238 - Family Support	\$ 349,312	\$ 6,158	\$ 355,470
239 - STATE Grants Courts Central Srvs	\$ 460,780	\$ 3,079	\$ 463,859
239 - STATE Crime Victims Rights	\$ 178,942	\$ 4,926	\$ 183,868
239 - STATE Sheriff Traffic Secondary Road	\$ 144,978	\$ 2,508	\$ 147,486
239 - STATE DPW State Grants	\$ -	\$ 9,000	\$ 9,000
256 - ROD Automation	\$ 250,914	\$ 120,225	\$ 371,139
258 - Dept of Justice Equitable Share	\$ 5,000	\$ 66,000	\$ 71,000
260 - Indigent Defense	\$ 2,512,378	\$ 26,869	\$ 2,539,247
261 - 911 Central Dispatch	\$ 5,446,648	\$ 64,039	\$ 5,510,687
263 - Concealed Pistol Licensing	\$ 238,180	\$ 4,002	\$ 242,182
292 - Child Care Juvenile	\$ 1,866,058	\$ 10,681	\$ 1,876,739
295 - Veterans Services	\$ 1,321,788	\$ 58,357	\$ 1,380,145
28621500 - ARPA County Clerk	\$ 80,882	\$ 2,239	\$ 83,121
28621599 - ARPA County Clerk Circuit Crt	\$ 170,476	\$ 6,113	\$ 176,589
28625700 - ARPA Equalization	\$ 281,204	\$ 6,717	\$ 287,921
28627000 - ARPA Human Resources	\$ 97,581	\$ 2,239	\$ 99,820
28628100 - ARPA Court Central Services	\$ 212,461	\$ 4,479	\$ 216,940
28628300 - ARPA Circuit Court	\$ 115,897	\$ 2,239	\$ 118,136
28628400 - ARPA Juvenile Court	\$ 63,979	\$ 2,239	\$ 66,218
28628600 - ARPA District Court	\$ 268,689	\$ 8,956	\$ 277,645
28629400 - Probate Court	\$ 154,680	\$ 4,478	\$ 159,158
28629600 - Prosecuting Atty	\$ 725,569	\$ 13,435	\$ 739,004
28630100 - ARPA Sheriff	\$ 929,098	\$ 19,528	\$ 948,626
28635100 - ARPA Jail	\$ 629,715	\$ 20,066	\$ 649,781
28643000 - ARPA Animal Services	\$ 21,700	\$ 1,075	\$ 22,775
28671100 - ARPA Register of Deeds	\$ 176,371	\$ 4,478	\$ 180,849
549 - Building Safety	\$ 3,337,539	\$ 50,134	\$ 3,387,673
578 - Septic Receiving	\$ 3,005,595	\$ (50,285)	\$ 2,955,310
584 - Airport	\$ 2,613,500	\$ 8,616	\$ 2,622,116
588 - LETS	\$ 6,302,224	\$ 112,292	\$ 6,414,516
595 - Jail Commissary	\$ 242,748	\$ 2,239	\$ 244,987
631 - Facility Services	\$ 3,078,032	\$ 50,873	\$ 3,128,905
636 - Information Technology	\$ 6,041,930	\$ 36,430	\$ 6,078,360
661 - Car Pool	\$ 2,531,442	\$ 14,518	\$ 2,545,960

**BE IT FURTHER RESOLVED** that the Board of Commissioners authorizes the Treasurer to transfer \$843,310 from General Fund to various funds for the one-time inflation assistance payment that was authorized under 2022-12-203 and paid for by General Fund Reserves.

**BE IT FURTHER RESOLVED** that the worksheet showing details of the above is available for review in the Fiscal Services office.

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

EXPENDITURES				
		2023 Amended	Total Adjustment	Proposed Amended
General Fund				
10100001	TAXES			
10110100	BOARD OF COMMISSIONERS	\$ 690,388	\$ 2,239	\$ 692,627
10117200	COUNTY ADMINISTRATION	\$ 500,021	\$ 6,717	\$ 506,738
10121200	FISCAL SERVICES	\$ 710,459	\$ 32,234	\$ 742,693
10121500	COUNTY CLERK	\$ 383,582	\$ (166,944)	\$ 216,638
10121599	COUNTY CLERK CIRCUIT CRT	\$ 892,203	\$ 20,152	\$ 912,355
10122300	INTERNAL/EXTERNAL AUDITS	\$ 139,050	\$ -	\$ 139,050
10122800	INFORMATION TECHNOLOGY		\$ -	\$ -
10124800	TAX ALLOCATION BOARD	\$ 1,500	\$ -	\$ 1,500
10124900	PLAT BOARD	\$ 500	\$ -	\$ 500
10125300	COUNTY TREASURER	\$ 1,177,501	\$ 17,913	\$ 1,195,414
10125700	EQUALIZATION	\$ 315,708	\$ 2,239	\$ 317,947
10126200	ELECTIONS	\$ 161,060	\$ 2,239	\$ 163,299
10126500	FACILITIES SERVICE	\$ 180,550	\$ -	\$ 180,550
10126600	ATTORNEY/COUNSEL	\$ 168,862	\$ -	\$ 168,862
10127000	HUMAN RESOURCES	\$ 736,933	\$ 11,196	\$ 748,129
10128100	CENTRAL SERVICE JUDICIAL	\$ 2,563,277	\$ 17,801	\$ 2,581,078
10128200	APPELLATE COURT	\$ 64,460	\$ -	\$ 64,460
10128300	CIRCUIT COURT	\$ 1,337,110	\$ 29,109	\$ 1,366,219
10128400	JUVENILE COURT	\$ 1,160,118	\$ 16,619	\$ 1,176,737
10128500	GUARDIANSHIP	\$ 8,400	\$ -	\$ 8,400
10128600	DISTRICT COURT	\$ 1,982,525	\$ 45,903	\$ 2,028,428
10129400	PROBATE COURT	\$ 745,922	\$ 12,315	\$ 758,237
10129500	PROBATION	\$ 72,477	\$ -	\$ 72,477
10129600	PROSECUTING ATTORNEY	\$ 2,006,115	\$ 30,228	\$ 2,036,343
10129617	PROS ATTY FAMILY SUPPORT	\$ 115,472	\$ -	\$ 115,472
10130100	SHERIFF	\$ 9,486,789	\$ 130,359	\$ 9,617,148
10130106	SHERIFF - TRAFFIC	\$ 84,184	\$ -	\$ 84,184
10130143	SHERIFF - ANIMAL CNTRL	\$ 226,901	\$ 5,817	\$ 232,718
10130400	COURT SECURITY	\$ 328,850	\$ 12,595	\$ 341,445
10135100	JAIL	\$ 12,102,555	\$ 169,667	\$ 12,272,222
10142600	EMERGENCY MNGMT	\$ 287,532	\$ 4,478	\$ 292,010

REVENUES				
		2023 Amended	Total Adjustment	Proposed Amended
General Fund				
		\$ (43,276,772)	\$ -	\$ (43,276,772)
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ (23,000)	\$ -	\$ (23,000)
		\$ (215,400)	\$ -	\$ (215,400)
		\$ (468,100)	\$ -	\$ (468,100)
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ (107,450)	\$ -	\$ (107,450)
		\$ (32,000)	\$ -	\$ (32,000)
		\$ (12,750)	\$ -	\$ (12,750)
		\$ (261,740)	\$ -	\$ (261,740)
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ (481,876)	\$ -	\$ (481,876)
		\$ -	\$ -	\$ -
		\$ (234,747)	\$ -	\$ (234,747)
		\$ (315,939)	\$ -	\$ (315,939)
		\$ (15,200)	\$ -	\$ (15,200)
		\$ (2,332,998)	\$ -	\$ (2,332,998)
		\$ (245,049)	\$ -	\$ (245,049)
		\$ -	\$ -	\$ -
		\$ (7,861)	\$ -	\$ (7,861)
		\$ -	\$ -	\$ -
		\$ (1,044,587)	\$ (3,324)	\$ (1,047,911)
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
		\$ (2,924,475)	\$ -	\$ (2,924,475)
		\$ (41,500)	\$ -	\$ (41,500)



EXPENDITURES					REVENUES				
		2023 Amended	Total Adjustment	Proposed Amended			2023 Amended	Total Adjustment	Proposed Amended
<b>Special Revenue Funds</b>					<b>Special Revenue Funds</b>				
21065100	EMS	\$ 13,366,788	\$ 247,447	\$ 13,614,235	\$ (12,866,788)	\$ (247,447)	\$ (13,114,235)		
21429800	FOC Family Counseling	\$ 20,000	\$ -	\$ 20,000	\$ (14,000)	\$ -	\$ (14,000)		
21528900	FOC	\$ 3,025,528	\$ 59,337	\$ 3,084,865	\$ (2,909,600)	\$ (59,337)	\$ (2,968,937)		
21828400	REDD Grant	\$ 13,000	\$ -	\$ 13,000	\$ (13,000)	\$ -	\$ (13,000)		
21928100	CESF- Courts	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
21930100	CESF- Sheriff	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
22028400	CPLR Grant Fund	\$ 47,025	\$ -	\$ 47,025	\$ (47,025)	\$ -	\$ (47,025)		
22160100	Health	\$ 5,139,063	\$ 195,161	\$ 5,334,224	\$ (5,034,633)	\$ (270,952)	\$ (5,305,585)		
23030100	Sheriff Donation Fund	\$ 2,000	\$ -	\$ 2,000	\$ (5,000)	\$ -	\$ (5,000)		
23243000	Animal Shelter Donations	\$ 2,500	\$ -	\$ 2,500	\$ -	\$ -	\$ -		
23368900	Veterans Donation Fund	\$ -	\$ 12,128	\$ 12,128	\$ -	\$ (12,128)	\$ (12,128)		
23828100	FED Grant - Court Central Svcs	\$ 226,385	\$ 1,036	\$ 227,421	\$ (226,385)	\$ (1,036)	\$ (227,421)		
23828400	FED Grants - Juvenile	\$ 17,000	\$ -	\$ 17,000	\$ (17,000)	\$ -	\$ (17,000)		
23829617	Family Support	\$ 349,312	\$ 6,158	\$ 355,470	\$ (349,312)	\$ (6,158)	\$ (355,470)		
23830100	Sheriff - Federal Grants	\$ 33,040	\$ -	\$ 33,040	\$ (33,041)	\$ -	\$ (33,041)		
23833100	Sheriff Marine Safety	\$ 6,600	\$ -	\$ 6,600	\$ (6,600)	\$ -	\$ (6,600)		
23842600	FED Emergency Mngmnt	\$ 117,820	\$ -	\$ 117,820	\$ (117,820)	\$ -	\$ (117,820)		
23928100	STATE Grants Courts Central Svcs	\$ 460,780	\$ 3,079	\$ 463,859	\$ (460,780)	\$ (3,079)	\$ (463,859)		
23929618	STATE Crime Victims Rights	\$ 178,942	\$ 4,926	\$ 183,868	\$ (178,942)	\$ (4,926)	\$ (183,868)		
23930100	STATE Sheriff Grants	\$ 12,000	\$ -	\$ 12,000	\$ (12,000)	\$ -	\$ (12,000)		
23930106	STATE Sheriff Traffic Secondary Road	\$ 144,978	\$ 2,508	\$ 147,486	\$ (194,184)	\$ (2,508)	\$ (196,692)		
23933100	STATE Grants - Marine	\$ 7,900	\$ -	\$ 7,900	\$ (7,900)	\$ -	\$ (7,900)		
23944100	STATE DPW State Grants	\$ -	\$ 9,000	\$ 9,000	\$ -	\$ (9,000)	\$ (9,000)		
24469000	CDBG Grant	\$ 3,100	\$ -	\$ 3,100	\$ (3,600)	\$ -	\$ (3,600)		
24524500	ROD Survey & Remon	\$ 85,264	\$ -	\$ 85,264	\$ (60,500)	\$ -	\$ (60,500)		
25522300	Princ Res Exemption	\$ 5,800	\$ -	\$ 5,800	\$ (5,100)	\$ -	\$ (5,100)		
25671101	ROD Automation	\$ 250,914	\$ 120,225	\$ 371,139	\$ (190,000)	\$ (17,575)	\$ (207,575)		
25830100	DEPT OF JUSTICE EQUITABLE SHARE	\$ 5,000	\$ 66,000	\$ 71,000	\$ (10,000)	\$ (66,000)	\$ (76,000)		
26028000	Indigent Defense	\$ 2,512,378	\$ 26,869	\$ 2,539,247	\$ (2,512,378)	\$ (26,869)	\$ (2,539,247)		
26132500	911 Central Dispatch	\$ 5,446,648	\$ 64,039	\$ 5,510,687	\$ (4,548,618)	\$ (64,039)	\$ (4,612,657)		
26132525	911 Enhanced	\$ 379,000	\$ -	\$ 379,000	\$ (379,000)	\$ -	\$ (379,000)		
26132526	911 Training	\$ 31,000	\$ -	\$ 31,000	\$ (31,000)	\$ -	\$ (31,000)		
26321500	Concealed Pistol Licensing	\$ 238,180	\$ 4,002	\$ 242,182	\$ (127,650)	\$ (4,002)	\$ (131,652)		
26435100	Sheriff CO Training	\$ 20,000	\$ -	\$ 20,000	\$ (12,000)	\$ -	\$ (12,000)		
26530100	Drug Law Enforcement	\$ 8,000	\$ -	\$ 8,000	\$ (3,000)	\$ -	\$ (3,000)		



EXPENDITURES					REVENUES				
		2023 Amended	Total Adjustment	Proposed Amended			2023 Amended	Total Adjustment	Proposed Amended
<b>Special Revenue Funds</b>					<b>Special Revenue Funds</b>				
26929200	Law Library	\$ 6,520	\$ -	\$ 6,520	\$ (6,520)	\$ -	\$ (6,520)		
27230100	US Treasury Equitable	\$ 5,000	\$ -	\$ 5,000	\$ (10,000)	\$ -	\$ (10,000)		
27536300	Community Corrections	\$ 110,000	\$ -	\$ 110,000	\$ (110,000)	\$ -	\$ (110,000)		
27830100	Sheriff Victim Svcs Unit	\$ 1,100	\$ -	\$ 1,100	\$ (1,300)	\$ -	\$ (1,300)		
29067000	Social Welfare	\$ 9,000	\$ -	\$ 9,000	\$ (9,000)	\$ -	\$ (9,000)		
29266200	Child Care Juvenile	\$ 1,866,058	\$ 10,681	\$ 1,876,739	\$ (1,801,058)	\$ (10,681)	\$ (1,811,739)		
29266300	Child Care Social Services	\$ 768,872	\$ -	\$ 768,872	\$ (533,500)	\$ -	\$ (533,500)		
29568900	Veteran Services FUN	\$ 1,321,788	\$ 58,357	\$ 1,380,145	\$ (1,307,963)	\$ (20,063)	\$ (1,328,026)		
29630100	Criminal Forfeiture	\$ 3,000	\$ -	\$ 3,000	\$ (2,000)	\$ -	\$ (2,000)		
29768900	CO Veterans SVS Fund	\$ 94,310	\$ -	\$ 94,310	\$ (94,310)	\$ -	\$ (94,310)		

EXPENDITURES					REVENUES				
		2023 Amended	Total Adjustment	Proposed Amended			2023 Amended	Total Adjustment	Proposed Amended
<b>ARPA</b>					<b>ARPA</b>				
28600001	ARPA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28617200	ARPA COUNTY ADMINSTR	\$ 275,000	\$ -	\$ 275,000	\$ (275,000)	\$ -	\$ (275,000)	\$ -	\$ (275,000)
28621200	ARPA Fiscal Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28621500	ARPA COUNTY CLERK	\$ 80,882	\$ 2,239	\$ 83,121	\$ (80,882)	\$ (2,239)	\$ (83,121)	\$ (83,121)	\$ (83,121)
28621599	ARPA County Clerk Circuit Crt	\$ 170,476	\$ 6,113	\$ 176,589	\$ (170,476)	\$ (6,113)	\$ (176,589)	\$ (176,589)	\$ (176,589)
28622800	ARPA IT	\$ 186,000	\$ -	\$ 186,000	\$ (186,000)	\$ -	\$ (186,000)	\$ -	\$ (186,000)
28625300	ARPA TREASURER	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28625700	ARPA Equalization	\$ 281,204	\$ 6,717	\$ 287,921	\$ (281,204)	\$ (6,717)	\$ (287,921)	\$ (287,921)	\$ (287,921)
28626200	ARPA ELECTIONS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28626500	ARPA Facility Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28626700	ARPA CAR POOL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28627000	ARPA - HR	\$ 97,581	\$ 2,239	\$ 99,820	\$ (97,581)	\$ (2,239)	\$ (99,820)	\$ (99,820)	\$ (99,820)
28628000	ARPA Public Defender	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28628100	ARPA Court Central Services	\$ 212,461	\$ 4,479	\$ 216,940	\$ (212,461)	\$ (4,479)	\$ (216,940)	\$ (216,940)	\$ (216,940)
28628300	ARPA Circuit Court	\$ 115,897	\$ 2,239	\$ 118,136	\$ (115,897)	\$ (2,239)	\$ (118,136)	\$ (118,136)	\$ (118,136)
28628400	ARPA Juvenile Court	\$ 63,979	\$ 2,239	\$ 66,218	\$ (63,979)	\$ (2,239)	\$ (66,218)	\$ (66,218)	\$ (66,218)
28628600	ARPA District Court	\$ 268,689	\$ 8,956	\$ 277,645	\$ (268,689)	\$ (8,956)	\$ (277,645)	\$ (277,645)	\$ (277,645)
28628900	ARPA FRIEND OF THE CO	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28629400	ARPA - Probate Court	\$ 154,680	\$ 4,478	\$ 159,158	\$ (154,680)	\$ (4,478)	\$ (159,158)	\$ (159,158)	\$ (159,158)
28629600	ARPA - Prosecuting Atty	\$ 725,569	\$ 13,435	\$ 739,004	\$ (725,569)	\$ (13,435)	\$ (739,004)	\$ (739,004)	\$ (739,004)
28629617	ARPA - FAMILY SUPPORT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28630100	ARPA Sheriff	\$ 929,098	\$ 19,528	\$ 948,626	\$ (929,098)	\$ (19,528)	\$ (948,626)	\$ (948,626)	\$ (948,626)
28630106	ARPA - SHRFTRFFC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28630143	ARPA Sheriff Animal Control	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28630400	ARPA COURT SECURITY	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28632500	ARPA 911	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28635100	ARPA Jail	\$ 629,715	\$ 20,066	\$ 649,781	\$ (629,715)	\$ (20,066)	\$ (649,781)	\$ (649,781)	\$ (649,781)
28637100	ARPA BLDG & SFTY	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28643000	ARPA Animal Services	\$ 21,700	\$ 1,075	\$ 22,775	\$ (21,700)	\$ (1,075)	\$ (22,775)	\$ (22,775)	\$ (22,775)
28644200	ARPA DRAIN COMMISSION	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28659500	ARPA AIRPORT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28659600	ARPA LETS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28660100	ARPA - Health Dept	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28664800	ARPA Medical Examiner	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28665100	ARPA EMS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28666200	ARPA CHILD CARE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28668900	ARPA VETERANS AFFAIRS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

EXPENDITURES					REVENUES				
		2023 Amended	Total Adjustment	Proposed Amended			2023 Amended	Total Adjustment	Proposed Amended
<b>Enterprise Funds</b>					<b>Enterprise Funds</b>				
28671100	ARPA Register of Deeds	\$ 176,371	\$ 4,478	\$ 180,849	\$ (176,371)	\$ (4,478)	\$ (180,849)		
28671101	ARPA ROD AUTOMATION	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
51744100	Landfill	\$ 123,170	\$ -	\$ 123,170	\$ (87,050.00)	\$ -	\$ (87,050)		
54937100	Building & Safety	\$ 3,337,539	\$ 50,134	\$ 3,387,673	\$ (2,221,115)	\$ (50,134)	\$ (2,271,249)		
57500275	Regional Wastewater	\$ 10,139	\$ -	\$ 10,139	\$ -	\$ -	\$ -		
57800275	Septage Receiving	\$ 3,005,595	\$ (50,285)	\$ 2,955,310	\$ (3,005,595)	\$ 49,985	\$ (2,955,610)		
58159500	Airport	\$ 2,613,500	\$ 8,616	\$ 2,622,116	\$ (2,650,186)	\$ (8,616)	\$ (2,658,802)		
58859600	LETS	\$ 6,302,224	\$ 112,292	\$ 6,414,516	\$ (7,936,474)	\$ (112,292)	\$ (8,048,766)		
59535100	Jail Commissary	\$ 242,748	\$ 2,239	\$ 244,987	\$ (247,500)	\$ (2,239)	\$ (249,739)		
<b>Internal Service Funds</b>					<b>Internal Service Funds</b>				
			\$ -	\$ -					
63126500	Facility Services	\$ 3,078,032	\$ 50,873	\$ 3,128,905	\$ (2,661,225)	\$ (50,873)	\$ (2,712,098)		
63622800	Information Technology	\$ 6,041,930	\$ 36,430	\$ 6,078,360	\$ (5,093,078)	\$ (36,430)	\$ (5,129,508)		
66126700	Car Pool	\$ 2,531,442	\$ 14,518	\$ 2,545,960	\$ (2,395,871)	\$ (14,518)	\$ (2,410,389)		
67785200	Benefit Fund	\$ 11,378,000	\$ -	\$ 11,378,000	\$ (11,560,824)	\$ -	\$ (11,560,824)		

RESOLUTION

NO: 2023-04-067

LIVINGSTON COUNTY

DATE: April 24, 2023

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**Resolution Authorizing an Additional Contribution to MERS in Fiscal Year 2023 - Administration**

**WHEREAS,** a fundamental objective of the Livingston County Board of Commissioners as an employer that offers pension benefits, is to fund the long- term cost of the benefits promised to our employees; and

**WHEREAS,** eliminating or reducing long term liabilities by making additional payments to MERS is a priority as it affects both the financial health and sustainability of Livingston County; and

**WHEREAS,** there are several advantages to making additional payments to MERS including: 1) reducing our total unfunded pension liability 2) potential to reduce our future annual required contributions (ARC) and 3) additional assets to invest with the potential of a greater return than one would expect to earn in a traditional municipal operating investment; and

**WHEREAS,** MERS of Michigan allows employers making additional voluntary contributions to the Defined Benefit Plan to accelerate the funding by allocating the additional funds to a surplus division that is not associated with any employee group; and

**WHEREAS,** by allocating voluntary contributions more than the annual required contribution to a surplus division these funds will not be included in determining the annual employer contribution requirement for any employee group but will be included in determining the employers overall funded status; and

**WHEREAS,** currently there is \$500,000 included in the 2023 Benefit Fund budget and \$2,658,000 million that has accumulated over the last few years in the General Fund, from one-time programs that allowed for specific general fund payroll expenses to be charged to Federal grants, that can be dedicated to paying down the unfunded pension liability.

**THEREFORE, BE IT RESOLVED** that the Board of Commissioners hereby authorizes an additional payment in the amount of \$3,158,000 be made to MERS to the County's Surplus Division, of which \$500,000 will be from budgeted funds in F677-Benefit Fund and \$2,658,000 will be from Fund Balance from F101- General Fund, to increase the funding of the overall County pension liability.

**BE IT FURTHER RESOLVED** that the Board of Commissioners authorizes any budget amendments needed to effectuate this payment.

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**MOVED:  
SECONDED:  
CARRIED:**

RESOLUTION

NO: 2023-04-068

LIVINGSTON COUNTY

DATE: April 24, 2023

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## Resolution Authorizing Livingston County's 2024 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 2024 Budget will be created utilizing the County's Financial – ERP system.

**THEREFORE, BE IT RESOLVED** that the Livingston County Board of Commissioners hereby adopt the following objectives in the preparation of the 2024 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.

**BE IT FURTHER RESOLVED** that the Board of Commissioners hereby directs that the 2024 budget book format be prepared consistent 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.

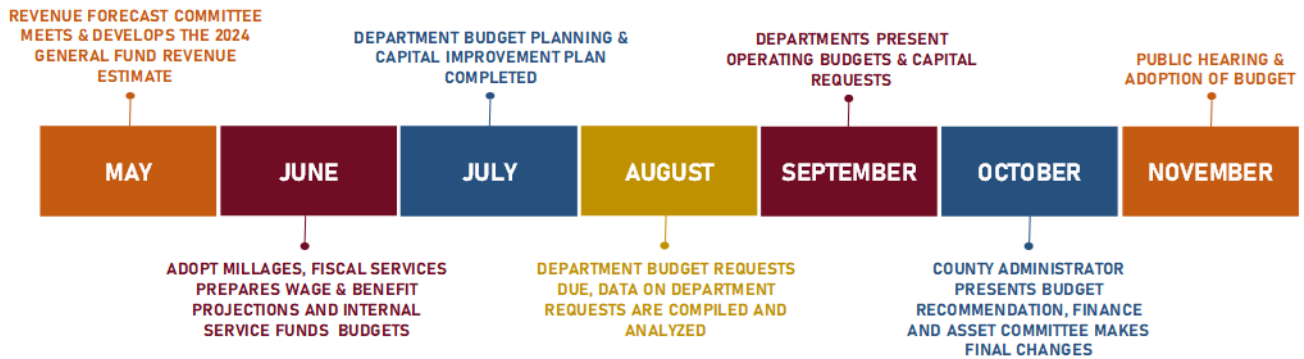
**BE IT FURTHER RESOLVED** that the Board of Commissioners hereby direct the following budget process consistent with the attached budget calendar:

- **Pre-Budget:** Strategic Planning Session(s), Budget Work Session(s), Capital Improvement Plan updates, and updates to the Cost Allocation Plans are essential for planning and necessary for the Board of Commissioners to have the information needed to set budget priorities and assumptions for Fiscal Year 2024.
- **Level 1 Budget: Base Projection** - Personnel costs, Cost Allocation charges, and Internal Service Fund charges (IT, Facility Services & Carpool) will be provided to all departments. General Fund departments will be provided a budget allocation with the target spend for the year.
  - Staff wage and benefit projections are based on the 2023 approved staffing levels plus any additions authorized by the Board since the adoption of the budget. It is the department's responsibility to review and ensure that the projections accurately capture and reflect all current pay types and benefits received by each employee group.
- **Level 2 Budget: Department Request** Departments will prepare all other line-item budget detailed requests and submit through the County's Financial ERP System.
  - General Fund Departments are to maintain budget requests at or below the appropriated target provided to them.
  - Special Revenue Funds and Enterprise Funds shall balance their expenditures with annual revenues.

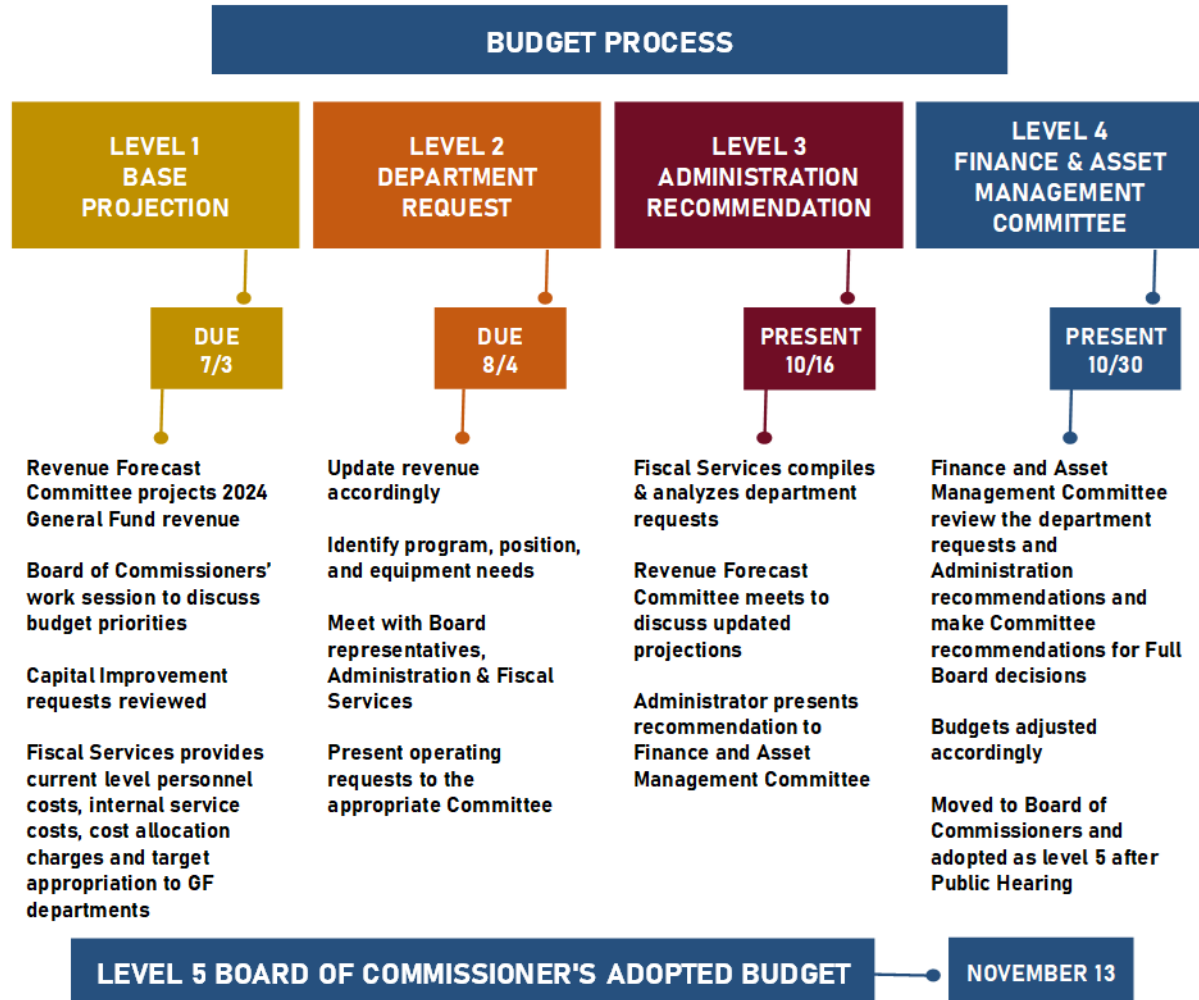
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- Additional positions requested above current 2023 FTE levels are submitted in the Department Request for Board consideration only. A position request form with justification, funding source(s) and annual cost must be completed for each job class requested. Funding of the position(s) must be sustainable within available resources of the fund.
  - 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 2024 Budget, line-item detail is required for the following:
    - 726000 - 747999 – Supply purchases > \$5,000
    - 801000-803000 - Professional Consultants, Attorney Fees and Legal Services
    - 819000-819999 – Contract Services
    - 930000-933001 – Repair and Maintenance >\$5,000
    - 943300-943902 – Software Maintenance
    - 957000-957001 – Professional Development/Employee Training > \$5,000
    - 970000-977999 – Capital Projects
    - Line items with an increase > \$5,000 from the current year, entered without detail may, be returned to department for detail to be added.
  - Capital Projects are those projects with an estimated cost of over \$50,000. These projects should be included in the 2024-2028 Capital Improvement Plan.
    - Capital projects requesting to use Fund 403 Capital Replacement Funds should not be included in the Department Operating Budget. Recommendation for these projects will be presented to the Board of Commissioners under Level 3 – Administrator Recommendation.
    - Maintenance is not to be considered as Capital and should be included in the department Operating Budget.
    - Capital projects that reduce future costs and support the County’s Strategic Plan will be prioritized and recommended to move forward to the Board.
  - The Departments will present their Level 2 Department Requests, highlighting position requests, reorganizations, new or expanding programs, and proposed capital projects during budget workshops in the Fall. This will provide an opportunity for County Administration and the Board to discuss, question, and get clarification directly from Department Directors and Elected Officials on their requests.
- **Level 3 Budget: Administrator Recommendation** - Based on discussions, presentations, and analysis of the Department requests, the County Administrator will present a budget recommendation to the Finance and Asset Management (FAM) Committee that continues to support and maintain a healthy financial position for Livingston County.
  - **Level 4 Budget: Finance and Asset Management Committee Recommendation** - The FAM Committee will consider the budgets presented and make final decisions and recommend any changes necessary.
  - **Level 5 Budget: Adopted** - Board of Commissioners adopt the 2024 Livingston County Operating Budget.

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

## 2024 BUDGET TIMELINE



<u>Date</u>	<u>Meeting</u>	<u>Purpose</u>
April 17, 2023	<b>FAM</b>	Authorize Budget Process & Calendar
May 15, 2023	<b>FAM</b>	Revenue Forecast Presentation
May 31, 2023	<b>BOC Workshop</b>	Board Priorities for 2024 Budget
September 13, 2023	<b>BOC Workshop</b>	Department Budget Request Presentations
September 20, 2023	<b>BOC Workshop</b>	Department Budget Request Presentations
September 27, 2023	<b>BOC Workshop</b>	Department Budget Request Presentations
October 16, 2023	<b>FAM</b>	County Administrator Budget Recommendation
October 30, 2023	<b>FAM - Special</b>	Finance and Asset Committee Budget Recommendation
November 13, 2023	<b>FULL BOARD</b>	Public Hearing and Adoption of the 2024 Operating Budget



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**MOVED:  
SECONDED:  
CARRIED:**



RESOLUTION

NO: 2023-04-069

LIVINGSTON COUNTY

DATE: April 24, 2023

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**Resolution to Authorize the Creation of a New Non-Union Division within MERS and an Additional Payment of the Unfunded Liability for 911 Central Dispatch Employees – Fiscal Services / 911 Central Dispatch**

**WHEREAS,** County Administration has worked with the 911 Central Dispatch Department to consider options to reduce the unfunded pension liability specific to the 911 Central Dispatch Department employees; and

**WHEREAS,** the option to create a permanent non-union division within MERS for 911 Central Dispatch Department employees was agreed upon as being fiscally prudent and to be recommended to the Board of Commissioners; and

**WHEREAS,** creating a new division would permit the 911 Central Dispatch Department to accelerate funding the projected non-union liability attributed to the 911 Central Dispatch Department non-union employees, which is projected to reduce the annual required contribution going forward; and

**WHEREAS,** Livingston County requested and received a supplemental valuation from the MERS actuarial services team to carve out the 911 Central Dispatch Department from the Non-Union Division and create a new Non-Union Division specifically for and limited to the 911 Central Dispatch Department current employees and retirees; and

**WHEREAS,** the pension benefits would not change in any way from those in the original Non-Union Division and the 911 Central Dispatch Department employees would be carved out into the same plan, DB or Hybrid, that the employees are currently in; and

**WHEREAS,** funding for the 911 Central Dispatch Non-Union employees in this newly created carved out group will come from unobligated funds in 911 Fund 261 and would not require General Fund dollars to be contributed.

**THEREFORE, BE IT RESOLVED** that the Livingston County Board of Commissioners authorizes the County to carve out the 911 Central Dispatch Department Non-Union Employees from the original Non-Union Division and creating a new MERS Division for 911 Central Dispatch Department Non-Union employees.

**BE IT FURTHER RESOLVED** that the Board of Commissioners authorizes a payment to MERS from Fund 911 Fund 261 in the amount of \$173,796 to the new 911 Central Dispatch Department Non-Union division, once it is created, to accelerate the pension liability for the 911 Central Dispatch Non-Union employees.

**BE IT FURTHER RESOLVED** that the Chairperson of the Livingston County Board of Commissioners is authorized to execute any agreements, plan addendums, or other documents requiring his signature by MERS, to effectuate this Resolution after approval as to form by the County Attorney.

**BE IT FURTHER RESOLVED** that the Board of Commissioners authorizes any budget amendments needed to effectuate this payment.

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

RESOLUTION

NO: 2023-04-070

LIVINGSTON COUNTY

DATE: April 24, 2023

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**Resolution to Authorize the Creation of a New Non-Union Division within MERS and an Additional Payment of the Unfunded Liability for the Emergency Medical Services (EMS) Department Employees – Fiscal Services / EMS**

**WHEREAS,** County Administration has worked with the EMS Department to consider options to reduce the unfunded pension liability specific to the EMS Department employees; and

**WHEREAS,** the option to create a permanent non-union division within MERS for EMS Department employees was agreed upon as being fiscally prudent and to be recommended to the Board of Commissioners; and

**WHEREAS,** creating a new division would permit the EMS Department to accelerate funding the projected non-union liability attributed to the EMS Department non-union employees, which is projected to reduce the annual required contribution going forward; and

**WHEREAS,** Livingston County requested and received a supplemental valuation from the MERS actuarial services team to carve out the EMS Department from the Non-Union Division and create a new Non-Union Division specifically for and limited to the EMS Department current employees and retirees; and

**WHEREAS,** the pension benefits would not change in any way from those in the original Non-Union Division and the EMS Department employees would be carved out into the same plan, DB or Hybrid, that the employees are currently in; and

**WHEREAS,** funding for the EMS Non-Union employees in this newly created carved out group will come from unobligated funds in EMS Fund 210 and would not require General Fund dollars to be contributed.

**THEREFORE, BE IT RESOLVED** that the Livingston County Board of Commissioners authorizes the County to carve out the EMS Department Non-Union Employees from the original Non-Union Division and creating a new MERS Division for EMS Department Non-Union employees.

**BE IT FURTHER RESOLVED** that the Board of Commissioners authorizes a payment to MERS from Fund 210 Emergency Medical Services Fund in the amount of \$300,732 to the new EMS Department Non-Union division, once it is created, to accelerate the pension liability for the EMS Non-Union employees.

**BE IT FURTHER RESOLVED** that the Chairperson of the Livingston County Board of Commissioners is authorized to execute any agreements, plan addendums, or other documents requiring his signature by MERS, to effectuate this Resolution after approval as to form by the County Attorney.

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**BE IT FURTHER RESOLVED** that the Board of Commissioners authorizes any budget amendments needed to effectuate this payment.

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

**RESOLUTION**

**NO: 2023-04-071**

**LIVINGSTON COUNTY**

**DATE: April 24, 2023**

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**Resolution to Amend the County Grant Policy – Fiscal Services**

**WHEREAS,** Fiscal Services has determined the need to update the Grant Policy, last updated in 2016 with Resolution 2016-03-044; and

**WHEREAS,** the policy will bring the approval authority of the County Administrator from \$25,000 to \$50,000 to be in line with the current procurement approval authority; and

**WHEREAS,** the revised policy will continue to require all new grant opportunities to be authorized to apply by either the County Administrator for grants \$50,000 or less, or the Board of Commissioners for grants >\$50,000 prior to a department submitting the application; and

**WHEREAS,** all new grants that are awarded must come back to the Board for authorization through a budget amendment to accept the award; and

**WHEREAS,** the revised policy is meant to streamline the process and requires all grants to be approved one of two ways; through the annual adopted budget (for recurring grants only) or through a budget amendment to accept a new grant; and

**WHEREAS,** policy language is included to clearly state this policy applies to all County employees and Elected Department Officials, with the exception of the Courts; and

**WHEREAS,** the policy revision directs Departments to supply budget and expenditure information prior to submission of applications and financial status reports to funding agencies, to the County Fiscal Services department.

**THEREFORE, BE IT RESOLVED** that the Livingston County Board of Commissioners hereby adopts the attached amended Grant Policy for Livingston County.

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**MOVED:**

**SECONDED:**

**CARRIED:**

# LIVINGSTON COUNTY GRANT POLICY

RESOLUTION #2016-03-044

LIVINGSTON COUNTY, MICHIGAN

APPROVED: 3.21.16

RESOLUTION #2013-09-281

APPROVED: 9.16.13

RESOLUTION #105-023

APPROVED: 1.18.05

**PURPOSE AND SCOPE:** This Policy is to establish the structure to apply, accept, expend, manage, and report on current and potential grant opportunities and programs.

## APPLICATION OF POLICY

The Grant Policy applies to all Livingston County Departments, with the exception of the Courts. Where there is a conflict with any department-specific policy, the County policy will supersede.

## SECTION I - GENERAL POLICY

### APPLICATION APPROVAL THRESHOLDS

#### County Administrator Approval

Grant applications for awards of \$50,000 or under per year may be approved by the County Administrator. Approval must be obtained prior to submission of the grant application.

- The County Administrator may, at his/her discretion, require higher approval, and refer the grant application to the Board of Commissioners for authorization.
- In rare instances where a notice of grant opportunity is over \$50,000 and the deadline to apply falls between Full Board meetings, the County Administrator may authorize the department to apply. If awarded, approval to accept the grant will require Board approval.

#### Board Approval

Grants with a potential award of over \$50,000 per year require approval by the Board of Commissioners. Approval must be obtained prior to submission of the grant application.

- Grant applications proposing the creation of any new positions must go to the Board of Commissioners for approval, regardless of potential grant award value.
- Recurring, continuation, non-competitive or formula-based grants may be approved through the annual budget process.
- All discretionary or other proposed grants must get approval prior to application using a Grants Opportunity Form (Attachment).

## APPLICATION APPROVAL PROCESS

- Applications for grants must obtain applicable County Administrator or Board approval **prior** to application submission.
- A completed and signed Grant Opportunity Form must be attached to the request by applying department. Note: The Grant Opportunity Form is for internal use only and should not be included in the application submission to the awarding agency.

The County Financial Officer, or his/her designee shall be designated as the Grant Fiscal Officer for all County grants.

The Grant Fiscal Officer will:

- Review the Grant Opportunity Form for completeness, determine if a match is required, or if acceptance of the grant will require new and/or ongoing expenses not covered by the grant.
- Provide a copy of the Grant Opportunity Form to the Information Technology Department for review, prior to application submission, **if the grant will fund technology.**
- Provide a summary of the Grant Opportunity Form to Fiscal Services-Budget prior to application submission, to review and provide a cost out, **if the grant will fund personnel.**

The grant application and a completed Grant Opportunity Form, signed off by the Grant Fiscal Officer, shall be included as attachments in the request to apply to either the County Administrator or Board of Commissioners.

## ACCEPTANCE OF AWARD

The County Board of Commissioners approval is required to accept and receive all grant awards. Grant funds must be included either through the annual adopted budget or approved through a budget amendment resolution that accepts the award.

## AFTER AWARD BUT PRIOR TO IMPLEMENTATION

The designated department grant contact must provide the following documents to the Grant Fiscal Officer:

- a copy of the final grant agreement and any grant reporting requirements
- a line-item budget.

The Grant Fiscal Officer will:

- provide copies of the grant agreement and contact the Treasurer's Office to set up the appropriate accounts in the General Ledger.
- once the accounts are created, prepare any necessary budget amendment to set up the grant in the General Ledger.
- work with the department grant contact to set up any necessary project strings for the grant reporting.

Departments must direct grantor to send grant funds directly to the Livingston County Treasurer. All Financial Institution information related to the grant application must be completed by the Livingston County Treasurer's Office.

## **PROGRAM MANAGEMENT, REPORTING & COMPLIANCE**

- The department that applied for and received the grant funds is responsible for administration, compliance, and overall program management of the grant.
  - The applicant department is responsible for requesting grant funds, fulfilling the financial reporting requirements, and ensuring the proper revenue allocation has been performed.
  - Prior to submitting any required financial reports to the awarding agency the reports must be sent to the Grant Fiscal Officer to verify and confirm financial numbers reconcile with the County general ledger reports.
  - The County Financial Officer should be designated as the financial contact for all grants.
- Grants that allow for reimbursement of indirect costs must include these costs in the budget of the grant application.
- Grant purchases must be in accordance with the Livingston County Procurement Policy
  - The Treasurer's office maintains an inventory of fixed assets purchased with grant funds.
  - Sale or disposal of these assets must comply with grant requirements and be coordinated through Fiscal Services

## **FUNDING NOT CONSIDERED A GRANT**

In some instances, a grantor may refer to a gift as a "grant" or require a county department to fill out an application to receive the funds. Funding may not be considered a grant if awarded under the following circumstances:

- Cash funding without a performance requirement and/or contract
- Cash funding without any reporting requirements
- Goods, services, or materials provided directly to the County without the expectation of anything considered to balance the transactions, donation.

Typically, such funding should be received in a department's operating budget or a donation fund.

All federal grants are subject to the Federal Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards 2 CFR 200 and can be found online at <http://www.ecfr.gov>.

The existence of grant funds does not exempt County personnel from conducting project activities in accordance with County policies and procedures. Regulations and reporting requirements of the funding agency are in addition to, and not a replacement for, County policies and procedures.

## **DEFINITIONS**

Grant – financial assistance from an external source to carry out a public purpose. This includes federal, state, pass-through, and private dollars.



- Recurring – grant that is awarded annually, regardless of the grant period (e.g. calendar year, fiscal year, federal or state fiscal year)
- Continuation – multi-year grant that affects the appropriation of funding beyond one (1) fiscal year.
- Competitive – discretionary grant award based on merit of proposed project.
- Formula-based – noncompetitive grant award you do not compete for even though you must apply and meet certain requirements.
- Other grants – grants that do not fall under any of the above categories.

Grant Fiscal Officer - County Financial Officer, or his/her designee

Grant Applicant – individual within the department responsible for the application

Grant Contact – individual within the department responsible for overseeing the grant administration and grant activities.

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# Livingston County Grant Opportunity Form

Department Applying: \_\_\_\_\_ Today's Date: \_\_\_\_\_  
Department Contact Info: \_\_\_\_\_

Employee preparing  
application: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Employee who will  
manage program (if  
different): \_\_\_\_\_

Phone Number: \_\_\_\_\_

Name of Grant Applying for: \_\_\_\_\_

Awarding Agency Name: \_\_\_\_\_

Please check appropriate line:

Federal \_\_\_\_\_

State: \_\_\_\_\_

Other: \_\_\_\_\_

Federal Assistance Listing Number: \_\_\_\_\_

New Grant: \_\_\_\_\_ Recurring Grant: \_\_\_\_\_  
Check One First Year Received

Short Description of the scope of the grant

Start Date of Grant: \_\_\_\_\_ End Date of Grant: \_\_\_\_\_

Full Amount applying for:

Annual (Year 1

Total) \$ \_\_\_\_\_

Multi-Year Total \$ \_\_\_\_\_ (All years combined)

Match Requirements (if applicable)

\_\_\_\_\_ Cash Match Requirement \$ \_\_\_\_\_

\_\_\_\_\_ In-Kind Match Requirement \$ \_\_\_\_\_

This grant is intended to fund the following (check all that apply)

\_\_\_\_\_ Personnel \$ \_\_\_\_\_

\_\_\_\_\_ Equipment \$ \_\_\_\_\_

\_\_\_\_\_ Supplies \$ \_\_\_\_\_

\_\_\_\_\_ Contractual Services \$ \_\_\_\_\_

\_\_\_\_\_ Capital Building/Equipment \$ \_\_\_\_\_

\_\_\_\_\_ Other (please note below) \$ \_\_\_\_\_

Signature of Applicant Department Head: \_\_\_\_\_ Date: \_\_\_\_\_

RESOLUTION

NO: 2023-04-072

LIVINGSTON COUNTY

DATE: April 24, 2023

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**Resolution Authorizing Improvements to Van Buren Road Sanitary Sewer Relocation / Reverse Grade Correction and Distribution of American Rescue Plan Act (ARPA) Funding – Drain Commissioner**

**WHEREAS,** Resolution 2022-12-192 outlined a plan for the strategic use and distribution of American Rescue Plan Act (ARPA) funding; and

**WHEREAS,** a total of \$6,175,870 of ARPA funding was identified for the Drain Commissioner’s Office for water infrastructure projects; and

**WHEREAS,** the Drain Commissioner’s Office is requesting \$350,000 of this allocation to address part of a wastewater collection system on Van Buren Road in Handy Township. Over time a portion of the gravity sanitary sewer line, which was constructed under the supervision of the Board of Public Works, has settled and created a “back fall” (i.e. reverse slope), which has necessitated regular maintenance to keep the line operational and prevent backup into the homes in the Red Cedar Crossing Site Condominium; and

**WHEREAS,** Handy Township as current owner of the system has retained Hubbell, Roth, & Clark (HRC) to design a replacement system, bid the project, and oversee repair construction; and

**WHEREAS,** in the interest of resolving the matter, the Board of Public Works has agreed to the scope of work outlined by HRC, and has recommended county participation in the project using ARPA funds; and

**WHEREAS,** this is an eligible use of ARPA funding and will be listed under the *Expenditure Category: 5.6 Clean Water: Stormwater* for federal reporting purposes.

**THEREFORE, BE IT RESOLVED** that the Livingston County Board of Commissioners hereby authorizes the amount of \$350,000 of ARPA funds for water infrastructure improvements, to be provided by Handy Township for the purpose of maintenance to keep the Van Buren Road Sanitary Sewer operational and prevent backup into the homes in the Red Cedar Crossing Site Condominium.

**BE IT FURTHER RESOLVED** that, Pursuant to the requirements County Department of Public Works Act, the Board of Public Works is authorized to sign all forms, assurances, contracts/agreements, and future amendments with contract language adjustments related to above upon review and/or preparation by Civil Counsel.

**BE IT FURTHER RESOLVED** that the Board of Commissioners authorizes any budget amendments needed to effectuate this project.

**BE IT FURTHER RESOLVED** that from the date of approval of this resolution until the project is completed, as outlined in Resolution 2022-12-192, the Board of Public Works shall provide a written update on the status of the project every three (3) months and shall present, in person, to the Finance and Asset Management Committee every six (6) months until the project is complete.

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



Last updated 1/22/2023

## Livingston County

# ARPA Local Fiscal Recovery Fund Project Information Form

### Local Fiscal Recovery Fund Resources

- [Final Rule](#), January 2022, effective April 2022: Finalized version of the interim final rule, with amendments. Implements the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act.
- [Compliance and Reporting Guidance](#), version 4.2, updated August 2022: Guidance that reflects the Final Rule, as opposed to the Interim Final Rule (May 2021) and provides clarity on recipient's compliance and reporting responsibilities, such as statutory eligible uses and award terms and conditions.
- [Overview of the Final Rule](#), January 2022: Provides a summary of major provisions of the final rule and should be used as a simplified user guide; does not include all funding requirements.
- [Project and Expenditure Report User Guide](#), version 3.1, updated July 2022: Provides information on using the Treasury's Portal to submit SFRF Project and Expenditure Reports; supplement to the Compliance and Reporting Guidance. Guidehouse is primarily responsible for understanding this user guide, but FAQs on page 106 may be of general interest.
- [Frequently Asked Questions](#), updated July 2022: Based on final rule and offers guidance on eligible uses.

### Definitions

- **Project:** A project is a grouping of closely related activities that together are intended to achieve a specific goal or directed toward a common purpose. Recipients have the flexibility to define their projects in a way that provides the greatest clarity on the work which will be performed.
- **Expenditure Category:** Each project for which SFRF funds were used should be scoped to align to a single Expenditure Category. There may be multiple projects assigned to a single Expenditure Category. Required programmatic data varies based on the project's assigned Expenditure Category.
- **Obligations:** An obligation is an order placed - such as a contract - and similar transactions that require payment (e.g., grant, loan, or other arrangement).
- **Expenditures:** An expenditure is the amount that has been incurred as a liability of the entity (the service has been rendered or the good has been delivered to the entity and payment is due)
- **Subaward:** An award provided by the Recipient to a subrecipient for the subrecipient to carry out part of a Federal award received by the Recipient. A subaward may be provided through any form of legal agreement, including an agreement that the Recipient



Last updated 1/22/2023

considers a contract. For reporting purposes, subaward types include contracts, grants, loans, direct payments, or government transfers.

**Project Name:** Handy Township- Van Buren Road Sanitary Sewer Relocation/Reverse Grade Correction

**County Department or Organization Making Request:** Livingston County DrainCommissioner

**Primary Contact/Project Owner**

Name: Robert Spaulding  
 Title: DPW Coordinator  
 Email: rspaulding@livgov.com  
 Phone: 517-546-0040

**Estimated Cost:** \$556,000

**Estimated Project Timeline**

June 1, 2023 - August 1, 2023

**Implementing Entity (Department, Agency, Organization):** Livingston County Drain Commission/Handy Township

**Project Description to include impact of COVID-19, intended impact of project, and general description of services** (50-250 words) (Project leaders are encouraged to provide the County with any additional materials to describe their projects)

*Around 2003, a small wastewater treatment facility was constructed on VanBuren Rd in Handy Township. An associated sanitary sewer line was constructed servicing the Red Cedar Subdivision. Over time a portion of the gravity sanitary sewer line has settled and created a "back fall" (i.e. reverse slope), which has necessitated regular maintenance to keep the line operational and prevent backup into the homes in the Red Cedar Crossing Site Condominium. Handy Township must subcontract this work out at an approximate yearly cost of \$19,000.*

*The project consists of abandoning a portion of the 12 inch sewer line where the issue exists under VanBuren Rd as well as a portion of the existing sewer on the north side of VanBuren Rd. The new 12-inch sewer line will connect to an existing manhole south of VanBuren Rd., then run east for approximately 393 feet, cross VanBuren Rd and connect to an existing manhole.*

**What was the harm caused by COVID to justify this project?**

Not applicable for Infrastructure Projects

**How does this project address the impact from COVID-19?**

Not applicable for Infrastructure Projects



Last updated 1/22/2023

**Describe who the beneficiaries of this project are perceived to be.**

*Property owners (360 homes) in the Red Cedar Crossing Site Condominium. According to 2020 Census data this would represent approximately 936 residents, which is almost 11% of the 2020 Handy Township population (2020 Census data: 8,616 residents in Handy Township)*

**Is this a new project or an expansion of an existing project? If existing, please explain the purpose of the expansion.**

This is a correction to an ongoing issue that has developed in an existing sanitary sewer gravity line.

**Describe the structure of the program (i.e. what is the flow of the funding, are there any contractors/subrecipients/beneficiaries?) (see Appendix C for information on non-Federal entities)**

*Bids will be received by Handy Township for the project from outside contractors. Hubbel, Roth & Clark (HRC) will serve as their design and construction inspection-engineering firm. HRC has been the Township Engineer for many years.*

**Will this project involve capital expenses?**

Yes ☒

No ☐

Describe how the investment creates a lasting impact to improve economic, environmental, social and health outcomes for residents.

**The back fall on the gravity sanitary sewer line has been an issue for many years and yearly maintenance runs around \$19,000/year. This project would end the need for this maintenance, while the payback time is over 30 years, this pipe has a longer lifespan than the 30 years. Most importantly, the potential for sanitary sewer backups, which can cause significant damage in homes in the Red Cedar Crossing Site Condominium, is greatly reduced.**

Describe how this project will leverage funds from other public, private, and non-profit sources. (if applicable)

**ARPA funds are to provide \$206,000 of the project cost. The balance of the project (current estimate:\$556,000) will be paid by Handy Township**

Describe the financial sustainability plan for the years beyond County funding. (if applicable)

**Handy Township will incur a savings upon project completion as the regular maintenance work of jetting the backfilled line will no longer be necessary.**

**Accountability Measures**

What are the performance indicators (inputs, outputs, outcomes) that the project would track to measure impact?



Last updated 1/22/2023

***Current preventative maintenance of biweekly jetting will no longer be necessary and only any annual maintenance performed by the Township will be necessary. HRC will perform inspection services during the construction of the project***

Describe the internal controls (e.g., process documentation, procurement) that will be used to ensure use of funds is consistent with SLFRF guidance. Who will be responsible for data collection, compliance, and reporting for this project?

***Pay requests will be prepared by HRC, reviewed by Handy Township and Livingston County for accuracy prior to authorizing payment***

For projects addressing negative economic impacts and serving impacted or disproportionately impacted communities, as defined in the Final Rule (**see Appendices A and B**).

Does the project target any populations, demographics, and/or geographic regions presumed to be *impacted* by COVID-19?

Not applicable for Infrastructure projects

- (a) Would the eligibility requirements for the program or service be such that the primary intended beneficiaries' income is (1) at or below 300 percent of the Federal Poverty Guidelines, or (2) at or below 65 percent of the AMI for Livingston County?  
**Not applicable for Infrastructure projects**

- (b) Does the project target individuals eligible for any of the qualifying federal programs listed in Appendix B, number 2?  
**Not applicable for Infrastructure projects**

Does the project target any populations, demographics, and/or geographic regions presumed to be ***disproportionately impacted*** by COVID-19?

***Not applicable for Infrastructure projects***

- (c) Would the eligibility requirements for the program or service be such that the primary intended beneficiaries' income is (1) at or below 185 percent of the Federal Poverty Guidelines, or (2) at or below 40 percent of the AMI for Livingston County?  
**Not applicable for Infrastructure projects**

- (d) Does the project target individuals eligible for any of the qualifying federal programs listed in Appendix C, number 2?  
**Not applicable for Infrastructure projects**





Last updated 1/22/2023

## Appendix A: Guidelines for Identifying *Impacted* Households or Communities

Based on the SLFRF Final Rule, recipients may presume that an individual, household, or community was impacted by the pandemic and eligible for the associated services enumerated in the rule if any of the following criteria are met:

1. The primary intended beneficiaries' income<sup>1</sup> is at or below 65 percent of Livingston County's Area Median Income or at or below 300 percent of the Federal Poverty Guidelines.<sup>2</sup>

Size of household	Moderate income		
	65% AMI	300% FPG	Threshold
1	45,435	38,640	38,640
2	51,935	52,260	52,260
3	58,435	65,880	65,880
4	64,870	79,500	79,500
5	70,070	93,120	93,120
6	75,270	106,740	106,740
7	80,470	120,360	120,360
8	85,670	133,980	133,980

2. The primary intended beneficiaries are eligible for any of the following federal programs:
  - a. Children's Health Insurance Program (CHIP)
  - b. Childcare Subsidies through the Child Care and Development Fund (CCDF) Program
  - c. Medicaid
  - d. National Housing Trust Fund (HTF), for affordable housing programs only
  - e. Home Investment Partnerships Program (HOME), for affordable housing programs only

<sup>1</sup> "Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community." Overview of the Final Rule, p. 17. <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>

<sup>2</sup> Thresholds from the U.S. Treasury's Tool for Determining Low and Moderate Income (LMI) Households. Last updated February 2022. <https://home.treasury.gov/system/files/136/SLFRF-LMI-tool.xlsx>



Last updated 1/22/2023

## Appendix B: Guidelines for Identifying *Disproportionately Impacted* Households or Communities

Based on the SLFRF Final Rule, recipients may presume that an individual, household, or community was disproportionately impacted by the pandemic and eligible for the associated services enumerated in the rule if any of the following criteria are met:

1. The primary intended beneficiaries' income<sup>3</sup> is at or below 40 percent of Muskegon County's Area Median Income or at or below 185 percent of the Federal Poverty Guidelines.<sup>4</sup>

Size of household	Low income		
	40% AMI	185% FPG	Threshold
1	27,960	23,828	27,960
2	31,960	32,227	32,227
3	35,960	40,626	40,626
4	39,920	49,025	49,025
5	43,120	57,424	57,424
6	46,320	65,823	65,823
7	49,520	74,222	74,222
8	52,720	82,621	82,621

2. The primary intended beneficiaries are eligible for any of the following federal programs:
  - a. Temporary Assistance for Needy Families (TANF)
  - b. Supplemental Nutrition Assistance Program (SNAP)
  - c. Free and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs
  - d. Medicare Part D Low-income Subsidies Supplemental Security Income (SSI)
  - e. Subsidies Supplemental Security Income (SSI)
  - f. Head Start and/or Early Head Start
  - g. Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
  - h. Section 8 Vouchers
  - i. Low-Income Home Energy Assistance Program (LIHEAP)
  - j. Pell Grants

<sup>3</sup> "Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community." Overview of the Final Rule, p. 19. <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>

<sup>4</sup> Thresholds from the U.S. Treasury's Tool for Determining Low and Moderate Income (LMI) Households. Last updated February 2022. <https://home.treasury.gov/system/files/136/SLFRF-LMI-tool.xlsx>



Last updated 1/22/2023

3. The primary intended beneficiaries live in a Qualified Census Tract (QCT) (Low-Income Housing Tax Credit Qualified Census Tracts must have 50 percent of households with incomes below 60 percent of the Area Median Gross Income (AMGI) or have a poverty rate of 25 percent or more.) **Note – there are no QCTs in Livingston County, MI** (<https://www.huduser.gov/portal/datasets/qct.html#2022>)



Last updated 1/22/2023

## Appendix C: Non-Federal Entities

The Local Fiscal Recovery Funds are subject to 2 C.F.R. Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance"). Uniform Guidance provide recipients of federal grants a set of standards related to procurement, internal controls, subrecipient monitoring, auditing practices, and more.

A key part of compliance with Uniform Guidance is subrecipient monitoring. As part of administering SLFRF, it is critical that non-Federal entities<sup>5</sup> are properly identified. Appropriate classification is important as it impacts procurement and subrecipient monitoring requirements. If you are unsure of a non-Federal entity's classification, please contact Guidehouse for additional resources.

In determining whether an agreement between the County and a non-Federal entity casts the latter as a subrecipient, contractor, or beneficiary, the substance of the relationship is more important than the form of the agreement. *All of the characteristics listed below may not be present in all cases, and the County must use judgment in classifying each agreement as a subaward or a procurement contract.*

The three classifications of recipients are as follows:

**Subrecipient:** A subaward for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship. Characteristics include:

- (1) Determines who is eligible to receive Federal assistance;
- (2) Has its performance measured in relation to whether objectives of a federal program were met;
- (3) Has responsibility of programmatic decision-making;
- (4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; **and**
- (5) In accordance with it's agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the [County].<sup>6</sup>

**Contractor:** A contract is for the purpose of obtaining goods and service for the non-Federal entity's own use and creates a procurement relationship. Characteristics include:

- (1) Provides the goods and services within normal business operations;
  - (2) Provides similar goods or services to many different purchasers;
  - (3) Normally operates in a competitive environment;
  - (4) Provides goods or services that are ancillary to the operation of the Federal program;
- and**

<sup>5</sup> Note: Non-Federal entity refers to subrecipients, contractors, and beneficiaries. Final Rule generally refers to anyone receiving a payment from the County as a "subrecipient." In the Public Health and Economic Impacts sections, the Final Rule does identify eligible beneficiaries as part of the distinctions between the general public, impacted, and disproportionately impacted. In the reporting guidance and reports, all non-Federal entities are jointly referred to as "subrecipients."

<sup>6</sup> <https://www.law.cornell.edu/cfr/text/2/200.331>



Last updated 1/22/2023

- (5) Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.<sup>7</sup>

**Beneficiaries:** Households, small businesses, or nonprofits that receive assistance based on impacts of the pandemic that they experienced.<sup>8</sup> Beneficiaries are not subject to audit pursuant to the Single Audit Act and 2 C.F.R. Part 200, Subpart F.

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<sup>7</sup> <https://www.law.cornell.edu/cfr/text/2/200.331>

<sup>8</sup> <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>



Last updated 1/22/2023

## Appendix D: Capital Expenditures

The Local Fiscal Recovery Funds are subject to 2 C.F.R. Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“Uniform Guidance”). Uniform Guidance provide recipients of federal grants a set of standards related to procurement, internal controls, subrecipient monitoring, auditing practices, and more.

The SLFRF Final Rule adopts several definitions from the Uniform Guidance including for capital expenditures, capital assets, equipment, and supplies. These definitions are noted below:<sup>9</sup>

- **Capital expenditure:** Expenditure to acquire capital assets or to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life
- **Capital asset:** Tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with Generally Accepted Accounting Principles (GAAP); includes lands, facilities, equipment, and intellectual property
- **Equipment:** Tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000

*Supplies, meaning all tangible personal property other than those included as “equipment,” are not considered capital expenditures.*


Recipients may also use SLFRF funds for pre-project development costs that are tied to or reasonably expected to lead to an eligible capital expenditure. For example, pre-project costs associated with planning and engineering for an eligible project are considered an eligible use of funds.


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<sup>9</sup> <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule.pdf>




# Legend

 Approximate Property Line (Tax ID # shown)

 Red Cedars Condominium Boundary

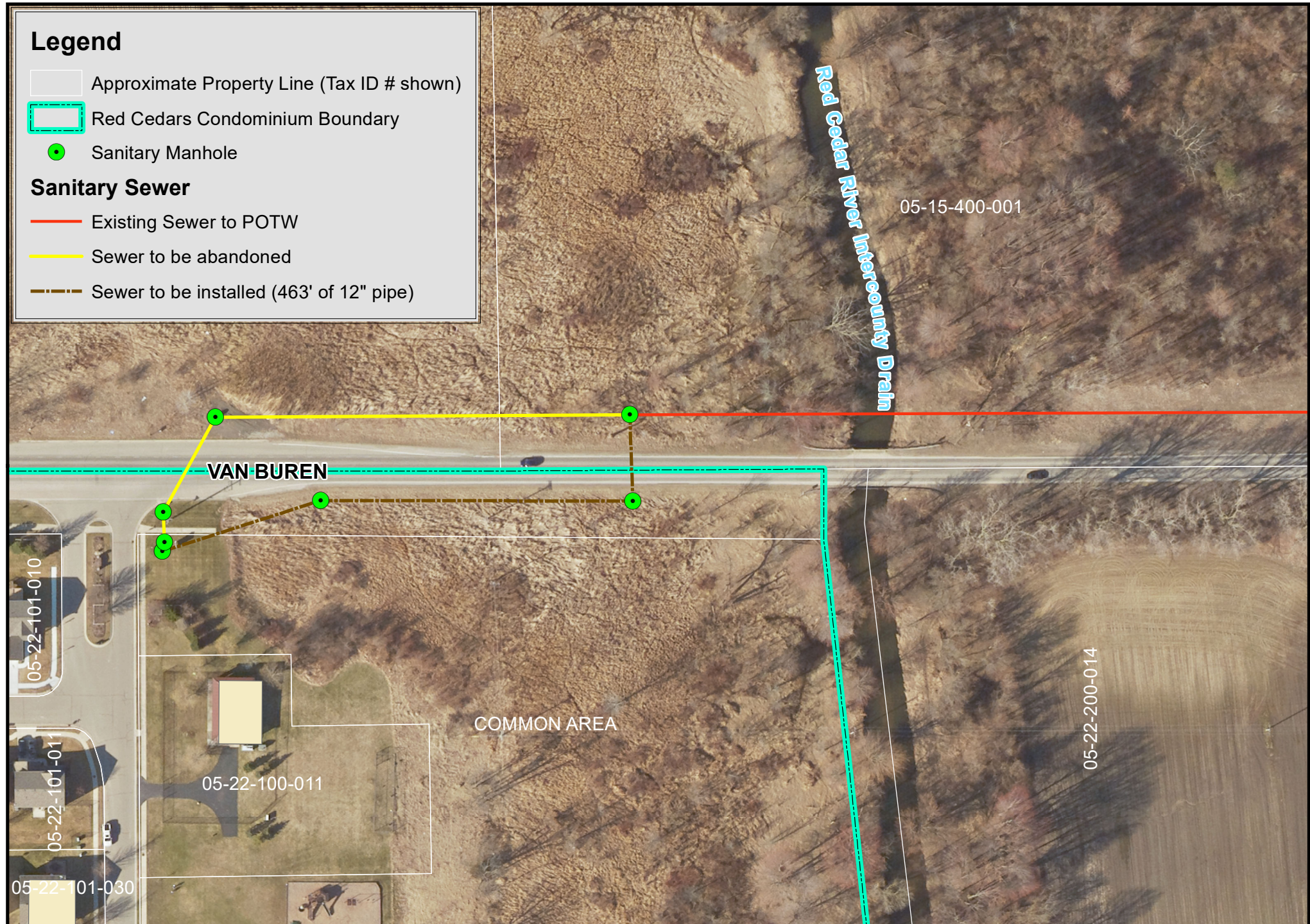
 Sanitary Manhole

## Sanitary Sewer

 Existing Sewer to POTW

 Sewer to be abandoned

 Sewer to be installed (463' of 12" pipe)



Livingston County Drain Commissioner  
2300 E Grand River  
Howell, MI. 48843  
Orthophoto Flown 2015  
Printed March 22, 2023

## Handy Township Sewer System ARPA Funding Request

Part of Sections 15 & 22 of Handy Twp



1 inch = 100 feet



## GUIDEHOUSE ELIGIBILITY ASSESSMENT

<b>Project Name</b>	Handy Township- Van Buren Road Sanitary Sewer Relocation/Reverse Grade Correction
<b>Estimated Cost</b>	\$556,000
<b>Risk Level (for non-revenue loss categories)</b>	Low
<b>LFRF Supporting Guidance</b>	<p><b><i>“Publicly and privately owned, permitted and unpermitted projects that manage, reduce, treat, or recapture stormwater or subsurface drainage water are eligible.”</i></b>  <a href="#">(Final Rule</a>, p. 276-277).</p> <p><i>“The CWSRF includes a broad range of stormwater infrastructure projects, and as such these projects were eligible under the interim final rule and continue to be eligible under the final rule. These projects include gray infrastructure projects, such as traditional pipe, storage, and treatment systems. <b>Projects that manage, reduce, treat, or recapture stormwater or subsurface drainage water are also eligible</b>, including real-time control systems for combined sewer overflow management, and sediment control.....In addition to the eligible uses under the CWSRF, Treasury is expanding the eligible uses under the final rule to include stormwater system infrastructure projects regardless of whether there is an expected water quality benefit from the project. <a href="#">(Final Rule</a>, p. 281-282).</i></p>
<b>Proposed Expenditure Category</b>	EC 5.6 Clean Water: Stormwater
<b>Disadvantaged Communities Requirement?</b>	N/A
<b>Other potential reporting requirements</b>	<ul style="list-style-type: none"> <li>• Obligations and Expenditures</li> <li>• Project Status <ul style="list-style-type: none"> <li>○ Not Started</li> <li>○ Completed less than 50 percent</li> <li>○ Completed 50 percent or more</li> <li>○ Completed</li> </ul> </li> <li>• Project Description</li> <li>• Projected/actual construction start date (month/year)</li> <li>• Projected/actual initiation of operations date (month/year)</li> <li>• Location</li> <li>• National Pollutant Discharge Elimination System (NPDES) Permit Number <i>(if applicable)</i></li> <li>• Public Water System (PWS) ID number <i>(if applicable)</i></li> <li>• Median Household Income of service area</li> <li>• Lowest Quintile Income of the service area</li> <li>• Subaward Information</li> <li>• Subrecipient/Contractor Information</li> </ul>



Livingston County | Planning and Implementation of ARPA Projects  
Date: 4/10/23

Recommendations/Concerns	<ul style="list-style-type: none"><li>Plan to solidify these reporting requirements as soon as possible given it sounds like the project may have or is ready to begin.</li></ul>
Additional information requests	<ul style="list-style-type: none"><li>n/a</li></ul>

RESOLUTION

NO: 2023-04-073

LIVINGSTON COUNTY

DATE: April 24, 2023

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**Resolution Authorizing Improvements to Cohoctah and Barnum Drain and Distribution of American Rescue Plan Act (ARPA) Funding – Drain Commissioner**

**WHEREAS,** Resolution 2022-12-192 outlined a plan for the strategic use and distribution of American Rescue Plan Act (ARPA) funding; and

**WHEREAS,** a total of \$6,175,870 of ARPA funding was identified for the Drain Commissioner’s Office for water infrastructure projects; and

**WHEREAS,** the Drain Commissioner’s Office is requesting \$14,000 of this allocation to address decaying portion of an enclosed drainage system west of Durand Road and south of Lovejoy Road in Cohoctah Township. This section of tile serves Durand Road, Richards Road, and adjoining properties to the south and east. Land uses within the drainage district are agricultural and residential; and

**WHEREAS,** this is an eligible use of ARPA funding and will be listed under the *Expenditure Category: 5.6 Clean Water: Stormwater* for federal reporting purposes.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby authorizes the amount of \$14,000 of ARPA funds for drain maintenance and improvements, to be provided by Cohoctah & Barnum Drainage District for the purpose of maintaining the County’s subsurface water drainage infrastructure to the Drain Commissioner’s Office for the Cohoctah & Barnum Drain.

**BE IT FURTHER RESOLVED** that the Drain Commissioner is authorized to sign all forms, assurances, contracts/agreements, and future amendments with contract language adjustments related to above upon review and/or preparation by Civil Counsel.

**BE IT FURTHER RESOLVED** that the Board of Commissioners authorizes any budget amendments needed to effectuate this project.

**BE IT FURTHER RESOLVED** that from the date of approval of this resolution until the project is completed, as outlined in Resolution 2022-12-192, the Drain Commissioner’s Office shall provide a written update on the status of the project every three (3) months and shall present, in person, to the Finance and Asset Management Committee every six (6) months until the project is complete.

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**MOVED:  
SECONDED:  
CARRIED:**



Last updated 1/22/2023

## Livingston County

# ARPA Local Fiscal Recovery Fund Project Information Form

### Local Fiscal Recovery Fund Resources

- [Final Rule](#), January 2022, effective April 2022: Finalized version of the interim final rule, with amendments. Implements the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act.
- [Compliance and Reporting Guidance](#), version 4.2, updated August 2022: Guidance that reflects the Final Rule, as opposed to the Interim Final Rule (May 2021) and provides clarity on recipient's compliance and reporting responsibilities, such as statutory eligible uses and award terms and conditions.
- [Overview of the Final Rule](#), January 2022: Provides a summary of major provisions of the final rule and should be used as a simplified user guide; does not include all funding requirements.
- [Project and Expenditure Report User Guide](#), version 3.1, updated July 2022: Provides information on using the Treasury's Portal to submit SFRF Project and Expenditure Reports; supplement to the Compliance and Reporting Guidance. Guidehouse is primarily responsible for understanding this user guide, but FAQs on page 106 may be of general interest.
- [Frequently Asked Questions](#), updated July 2022: Based on final rule and offers guidance on eligible uses.

### Definitions

- **Project:** A project is a grouping of closely related activities that together are intended to achieve a specific goal or directed toward a common purpose. Recipients have the flexibility to define their projects in a way that provides the greatest clarity on the work which will be performed.
- **Expenditure Category:** Each project for which SFRF funds were used should be scoped to align to a single Expenditure Category. There may be multiple projects assigned to a single Expenditure Category. Required programmatic data varies based on the project's assigned Expenditure Category.
- **Obligations:** An obligation is an order placed - such as a contract - and similar transactions that require payment (e.g., grant, loan, or other arrangement).
- **Expenditures:** An expenditure is the amount that has been incurred as a liability of the entity (the service has been rendered or the good has been delivered to the entity and payment is due)
- **Subaward:** An award provided by the Recipient to a subrecipient for the subrecipient to carry out part of a Federal award received by the Recipient. A subaward may be provided through any form of legal agreement, including an agreement that the Recipient



Last updated 1/22/2023

considers a contract. For reporting purposes, subaward types include contracts, grants, loans, direct payments, or government transfers.

**Project Name:** Cohoctah & Barnum Drain

**County Department or Organization Making Request:** Livingston County Drain Commissioner

**Primary Contact/Project Owner**

Name: Kenneth E. Recker II  
 Title: Chief Deputy Drain Commissioner  
 Email: krecker@livgov.com  
 Phone: 517-552-6772

**Estimated Cost:** \$14,000 (actual cost)

**Estimated Project Timeline**

Project completed December 31, 2022

**Implementing Entity (Department, Agency, Organization):** Livingston County Drain Commissioner and Cohoctah & Barnum Drain Drainage District

**Project Description to include impact of COVID-19, intended impact of project, and general description of services** (50-250 words) (Project leaders are encouraged to provide the County with any additional materials to describe their projects)

*Address decaying portion of an enclosed drainage system west of Durand Road and south of Lovejoy Road in Cohoctah Township. This section of tile serves Durand Road, Richards Road, and adjoining properties to the south and east. Land uses within the drainage district are agricultural and residential. Work completed is within the maintenance limits of the Drain Code, so no township board resolution was obtained.*

**What was the harm caused by COVID to justify this project?**

Not Applicable for Infrastructure Projects

**How does this project address the impact from COVID-19?**

Not Applicable for Infrastructure Projects

**Describe who the beneficiaries of this project are perceived to be.**

*Lands within the Cohoctah & Barnum Drain Drainage District. This would include properties (and the owners of these properties), and public roads (County Roads) within the Drainage District.*

**Is this a new project or an expansion of an existing project? If existing, please explain the purpose of the expansion.**

*This is maintenance of an existing drainage system, by clearing trees and jetting a section of 10" pipe that is over 100 years old.*



Last updated 1/22/2023

**Describe the structure of the program (i.e. what is the flow of the funding, are there any contractors/subrecipients/beneficiaries?)** (see Appendix C for information on non-Federal entities)

*The Michigan Drain Code (Act 40 of the Public Acts of 1956, as amended), is the governing law for Drains in the State of Michigan. It dictates the structure for maintenance of established county drains. In this case, the project was done in December of 2023 using Livingston County Drain Commissioner staff, as the scope of the work is within our capabilities and the work will be done more cost-effectively by LCDC crews based on rates for comparable Jetting and clearing activities.*

**Will this project involve capital expenses?**

Yes ☐

No ☒

Describe how the investment creates a lasting impact to improve economic, environmental, social and health outcomes for residents.

**The section of the Cohoctah & Barnum Drain to be maintained was installed in 1908, relaid in 1954, and has facilitated 100 years of agricultural and residential land use. We anticipate the cleaned drain to continue operating for several decades (and possibly longer if Trees are removed every 10 to 20 years).**

Describe how this project will leverage funds from other public, private, and non-profit sources. (if applicable)

**ARPA funds are to provide approximately half of the project cost. Remaining funds will be assessed to the Drainage District in accordance with the Michigan Drain Code, Act 40 of the Public Acts of 1956, as amended. This will include apportionments to properties, Cohoctah Township, and Livingston County.**

Describe the financial sustainability plan for the years beyond County funding. (if applicable)

**MCL 280.196 (Section 196 of the Michigan Drain Code) addresses maintenance parameters for county drains under the Michigan Drain Code. Necessary maintenance will be assessed to the drainage district by law as has been historically done.**

### **Accountability Measures**

What are the performance indicators (inputs, outputs, outcomes) that the project would track to measure impact?

**Work orders for drain maintenance, when compared against historical maintenance within the area work is proposed, would help establish the success or failure of the repairs. Work orders on this drain will be tracked through a program called Cityworks.**

Describe the internal controls (e.g., process documentation, procurement) that will be used to ensure use of funds is consistent with SLFRF guidance. Who will be responsible for data collection, compliance, and reporting for this project?



Last updated 1/22/2023

**The Drain Commissioner is the chief executive officer for the Drain, per the Michigan Drain Code, Act 40 of the Public Acts of 1956, as amended. As such, Brian Jonckheere (the elected Drain Commissioner) is formally responsible for maintaining compliance with internal controls outlined in the Michigan Drain Code. Timesheets for staff and project materials are reviewed by the Field Supervisor prior to being entered by our accounting personnel. All expenses are approved by the Chief Deputy Drain Commissioner prior to assessments being authorized in August of every year.**

For projects addressing negative economic impacts and serving impacted or disproportionately impacted communities, as defined in the Final Rule ([see Appendices A and B](#)).

Does the project target any populations, demographics, and/or geographic regions presumed to be *impacted* by COVID-19?

**Not applicable for infrastructure projects.**

- (a) Would the eligibility requirements for the program or service be such that the primary intended beneficiaries' income is (1) at or below 300 percent of the Federal Poverty Guidelines, or (2) at or below 65 percent of the AMI for Livingston County?

**Not applicable for infrastructure projects.**

- (b) Does the project target individuals eligible for any of the qualifying federal programs listed in Appendix B, number 2?

**Not applicable for infrastructure projects.**

Does the project target any populations, demographics, and/or geographic regions presumed to be *disproportionately impacted* by COVID-19?

**Not applicable for infrastructure projects.**

- (c) Would the eligibility requirements for the program or service be such that the primary intended beneficiaries' income is (1) at or below 185 percent of the Federal Poverty Guidelines, or (2) at or below 40 percent of the AMI for Livingston County?

**Not applicable for infrastructure projects.**

- (d) Does the project target individuals eligible for any of the qualifying federal programs listed in Appendix C, number 2?

**Not applicable for infrastructure projects.**



Last updated 1/22/2023

## Appendix A: Guidelines for Identifying *Impacted* Households or Communities

Based on the SLFRF Final Rule, recipients may presume that an individual, household, or community was impacted by the pandemic and eligible for the associated services enumerated in the rule if any of the following criteria are met:

1. The primary intended beneficiaries' income<sup>1</sup> is at or below 65 percent of Livingston County's Area Median Income or at or below 300 percent of the Federal Poverty Guidelines.<sup>2</sup>

Size of household	Moderate income		
	65% AMI	300% FPG	Threshold
1	45,435	38,640	38,640
2	51,935	52,260	52,260
3	58,435	65,880	65,880
4	64,870	79,500	79,500
5	70,070	93,120	93,120
6	75,270	106,740	106,740
7	80,470	120,360	120,360
8	85,670	133,980	133,980

2. The primary intended beneficiaries are eligible for any of the following federal programs:
  - a. Children's Health Insurance Program (CHIP)
  - b. Childcare Subsidies through the Child Care and Development Fund (CCDF) Program
  - c. Medicaid
  - d. National Housing Trust Fund (HTF), for affordable housing programs only
  - e. Home Investment Partnerships Program (HOME), for affordable housing programs only

<sup>1</sup> "Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community." Overview of the Final Rule, p. 17. <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>

<sup>2</sup> Thresholds from the U.S. Treasury's Tool for Determining Low and Moderate Income (LMI) Households. Last updated February 2022. <https://home.treasury.gov/system/files/136/SLFRF-LMI-tool.xlsx>



Last updated 1/22/2023

## Appendix B: Guidelines for Identifying *Disproportionately Impacted* Households or Communities

Based on the SLFRF Final Rule, recipients may presume that an individual, household, or community was disproportionately impacted by the pandemic and eligible for the associated services enumerated in the rule if any of the following criteria are met:

1. The primary intended beneficiaries' income<sup>3</sup> is at or below 40 percent of Muskegon County's Area Median Income or at or below 185 percent of the Federal Poverty Guidelines.<sup>4</sup>

Size of household	Low income		
	40% AMI	185% FPG	Threshold
1	27,960	23,828	27,960
2	31,960	32,227	32,227
3	35,960	40,626	40,626
4	39,920	49,025	49,025
5	43,120	57,424	57,424
6	46,320	65,823	65,823
7	49,520	74,222	74,222
8	52,720	82,621	82,621

2. The primary intended beneficiaries are eligible for any of the following federal programs:
  - a. Temporary Assistance for Needy Families (TANF)
  - b. Supplemental Nutrition Assistance Program (SNAP)
  - c. Free and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs
  - d. Medicare Part D Low-income Subsidies Supplemental Security Income (SSI)
  - e. Subsidies Supplemental Security Income (SSI)
  - f. Head Start and/or Early Head Start
  - g. Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
  - h. Section 8 Vouchers
  - i. Low-Income Home Energy Assistance Program (LIHEAP)
  - j. Pell Grants

<sup>3</sup> "Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community." Overview of the Final Rule, p. 19. <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>

<sup>4</sup> Thresholds from the U.S. Treasury's Tool for Determining Low and Moderate Income (LMI) Households. Last updated February 2022. <https://home.treasury.gov/system/files/136/SLFRF-LMI-tool.xlsx>





Last updated 1/22/2023

3. The primary intended beneficiaries live in a Qualified Census Tract (QCT) (Low-Income Housing Tax Credit Qualified Census Tracts must have 50 percent of households with incomes below 60 percent of the Area Median Gross Income (AMGI) or have a poverty rate of 25 percent or more.) **Note – there are no QCTs in Livingston County, MI** (<https://www.huduser.gov/portal/datasets/qct.html#2022>)



Last updated 1/22/2023

## Appendix C: Non-Federal Entities

The Local Fiscal Recovery Funds are subject to 2 C.F.R. Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance"). Uniform Guidance provide recipients of federal grants a set of standards related to procurement, internal controls, subrecipient monitoring, auditing practices, and more.

A key part of compliance with Uniform Guidance is subrecipient monitoring. As part of administering SLFRF, it is critical that non-Federal entities<sup>5</sup> are properly identified. Appropriate classification is important as it impacts procurement and subrecipient monitoring requirements. If you are unsure of a non-Federal entity's classification, please contact Guidehouse for additional resources.

In determining whether an agreement between the County and a non-Federal entity casts the latter as a subrecipient, contractor, or beneficiary, the substance of the relationship is more important than the form of the agreement. *All of the characteristics listed below may not be present in all cases, and the County must use judgment in classifying each agreement as a subaward or a procurement contract.*

The three classifications of recipients are as follows:

**Subrecipient:** A subaward for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship. Characteristics include:

- (1) Determines who is eligible to receive Federal assistance;
- (2) Has its performance measured in relation to whether objectives of a federal program were met;
- (3) Has responsibility of programmatic decision-making;
- (4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; **and**
- (5) In accordance with it's agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the [County].<sup>6</sup>

**Contractor:** A contract is for the purpose of obtaining goods and service for the non-Federal entity's own use and creates a procurement relationship. Characteristics include:

- (1) Provides the goods and services within normal business operations;
  - (2) Provides similar goods or services to many different purchasers;
  - (3) Normally operates in a competitive environment;
  - (4) Provides goods or services that are ancillary to the operation of the Federal program;
- and**

<sup>5</sup> Note: Non-Federal entity refers to subrecipients, contractors, and beneficiaries. Final Rule generally refers to anyone receiving a payment from the County as a "subrecipient." In the Public Health and Economic Impacts sections, the Final Rule does identify eligible beneficiaries as part of the distinctions between the general public, impacted, and disproportionately impacted. In the reporting guidance and reports, all non-Federal entities are jointly referred to as "subrecipients."

<sup>6</sup> <https://www.law.cornell.edu/cfr/text/2/200.331>



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- (5) Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.<sup>7</sup>

**Beneficiaries:** Households, small businesses, or nonprofits that receive assistance based on impacts of the pandemic that they experienced.<sup>8</sup> Beneficiaries are not subject to audit pursuant to the Single Audit Act and 2 C.F.R. Part 200, Subpart F.

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<sup>7</sup> <https://www.law.cornell.edu/cfr/text/2/200.331>

<sup>8</sup> <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>



Last updated 1/22/2023

## Appendix D: Capital Expenditures

The Local Fiscal Recovery Funds are subject to 2 C.F.R. Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance"). Uniform Guidance provide recipients of federal grants a set of standards related to procurement, internal controls, subrecipient monitoring, auditing practices, and more.

The SLFRF Final Rule adopts several definitions from the Uniform Guidance including for capital expenditures, capital assets, equipment, and supplies. These definitions are noted below:<sup>9</sup>

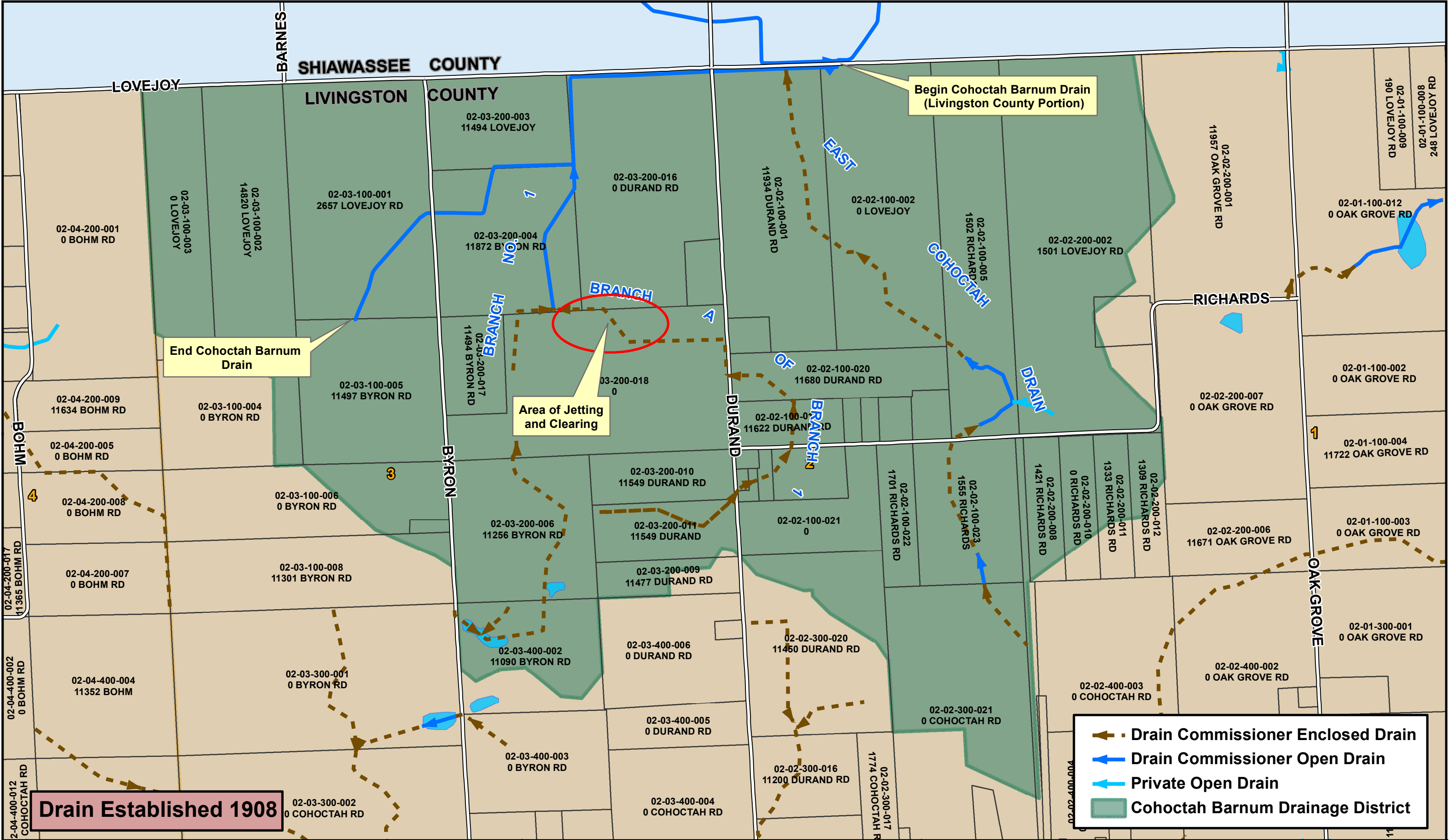
- **Capital expenditure:** Expenditure to acquire capital assets or to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life
- **Capital asset:** Tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with Generally Accepted Accounting Principles (GAAP); includes lands, facilities, equipment, and intellectual property
- **Equipment:** Tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000

*Supplies, meaning all tangible personal property other than those included as "equipment," are not considered capital expenditures.*

Recipients may also use SLFRF funds for pre-project development costs that are tied to or reasonably expected to lead to an eligible capital expenditure. For example, pre-project costs associated with planning and engineering for an eligible project are considered an eligible use of funds.

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<sup>9</sup> <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule.pdf>



## GUIDEHOUSE ELIGIBILITY ASSESSMENT

Project Name	Cohoctah Barnum Drain
Estimated Cost	\$14,000
Risk Level (for non-revenue loss categories)	Low
LFRF Supporting Guidance	<p><b><i>“Publicly and privately owned, permitted and unpermitted projects that manage, reduce, treat, or recapture stormwater or subsurface drainage water are eligible.”</i></b>  <a href="#">(Final Rule</a>, p. 276-277).</p> <p><i>“The CWSRF includes a broad range of stormwater infrastructure projects, and as such these projects were eligible under the interim final rule and continue to be eligible under the final rule. These projects include gray infrastructure projects, such as traditional pipe, storage, and treatment systems. <b>Projects that manage, reduce, treat, or recapture stormwater or subsurface drainage water are also eligible</b>, including real-time control systems for combined sewer overflow management, and sediment control.....In addition to the eligible uses under the CWSRF, Treasury is expanding the eligible uses under the final rule to include stormwater system infrastructure projects regardless of whether there is an expected water quality benefit from the project. <a href="#">(Final Rule</a>, p. 281-282).</i></p>
Proposed Expenditure Category	EC 5.6 Clean Water: Stormwater
Disadvantaged Communities Requirement?	N/A
Other potential reporting requirements	<ul style="list-style-type: none"> <li>• Obligations and Expenditures</li> <li>• Project Status <ul style="list-style-type: none"> <li>○ Not Started</li> <li>○ Completed less than 50 percent</li> <li>○ Completed 50 percent or more</li> <li>○ Completed</li> </ul> </li> <li>• Project Description</li> <li>• Projected/actual construction start date (month/year)</li> <li>• Projected/actual initiation of operations date (month/year)</li> <li>• Location</li> <li>• National Pollutant Discharge Elimination System (NPDES) Permit Number <i>(if applicable)</i></li> <li>• Public Water System (PWS) ID number <i>(if applicable)</i></li> <li>• Median Household Income of service area</li> <li>• Lowest Quintile Income of the service area</li> <li>• Subaward Information</li> <li>• Subrecipient/Contractor Information</li> </ul>

Livingston County | Planning and Implementation of ARPA Projects  
Date: 3/12/23

Recommendations/Concerns	<ul style="list-style-type: none"><li>Let work on getting these reporting requirements triaged as soon as possible given it sounds like the project may have or is ready to begin.</li></ul>
Additional information requests	<ul style="list-style-type: none"><li>n/a</li></ul>

RESOLUTION

NO: 2023-04-074

LIVINGSTON COUNTY

DATE: April 24, 2023

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**Resolution Approving the Distribution of American Rescue Act Funding for the Improvements to Howell City Drain – Drain Commissioner**

**WHEREAS,** Resolution 2022-09-145 approved a disbursement of \$125,000 of American Rescue Plan Act (ARPA) funding for improvements to the Howell City Drain; and

**WHEREAS,** This section of 14” failing drainage tile serves 437 acres of land and 427 individual properties within the City of Howell and Howell Township. Historical problems with this system have resulted in flooding of buildings (specifically the American Red Cross facility) and property within the district; and

**WHEREAS,** this is an eligible use of ARPA funding and will be listed under the *Expenditure Category: 5.6 Clean Water: Stormwater* for federal reporting purposes.

**THEREFORE, BE IT RESOLVED** that the Livingston County Board of Commissioners hereby approves the purchase in the amount of \$250,000, **with the understanding that \$125,000 of the project cost is to come from ARPA funds,** for drain maintenance and improvements from J. Sebastian Trucking & Excavating of Springport for the purpose of maintaining the City’s subsurface water drainage infrastructure to the Drain Commissioner’s Office for the Howell City Drain.

**BE IT FURTHER RESOLVED** that the Board of Commissioners authorizes any budget amendments needed to effectuate the above project.

**BE IT FURTHER RESOLVED** that the Drain Commissioner is authorized to sign all forms, assurances, contracts/agreements, and future amendments with contract language adjustments related to above upon review and/or preparation by Civil Counsel.

**BE IT FURTHER RESOLVED** that from the date of approval of this resolution until the project is completed, as outlined in Resolution 2022-12-192, the Drain Commissioner’s Office shall provide a written update on the status of the project every three (3) months and shall present, in person, to the Finance and Asset Management Committee every six (6) months until the project is complete.

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**MOVED:  
SECONDED:  
CARRIED:**





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## Livingston County

# ARPA Local Fiscal Recovery Fund Project Information Form

### Local Fiscal Recovery Fund Resources

- [Final Rule](#), January 2022, effective April 2022: Finalized version of the interim final rule, with amendments. Implements the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act.
- [Compliance and Reporting Guidance](#), version 4.2, updated August 2022: Guidance that reflects the Final Rule, as opposed to the Interim Final Rule (May 2021) and provides clarity on recipient's compliance and reporting responsibilities, such as statutory eligible uses and award terms and conditions.
- [Overview of the Final Rule](#), January 2022: Provides a summary of major provisions of the final rule and should be used as a simplified user guide; does not include all funding requirements.
- [Project and Expenditure Report User Guide](#), version 3.1, updated July 2022: Provides information on using the Treasury's Portal to submit SFRF Project and Expenditure Reports; supplement to the Compliance and Reporting Guidance. Guidehouse is primarily responsible for understanding this user guide, but FAQs on page 106 may be of general interest.
- [Frequently Asked Questions](#), updated July 2022: Based on final rule and offers guidance on eligible uses.

### Definitions

- **Project:** A project is a grouping of closely related activities that together are intended to achieve a specific goal or directed toward a common purpose. Recipients have the flexibility to define their projects in a way that provides the greatest clarity on the work which will be performed.
- **Expenditure Category:** Each project for which SFRF funds were used should be scoped to align to a single Expenditure Category. There may be multiple projects assigned to a single Expenditure Category. Required programmatic data varies based on the project's assigned Expenditure Category.
- **Obligations:** An obligation is an order placed - such as a contract - and similar transactions that require payment (e.g., grant, loan, or other arrangement).
- **Expenditures:** An expenditure is the amount that has been incurred as a liability of the entity (the service has been rendered or the good has been delivered to the entity and payment is due)
- **Subaward:** An award provided by the Recipient to a subrecipient for the subrecipient to carry out part of a Federal award received by the Recipient. A subaward may be provided through any form of legal agreement, including an agreement that the Recipient



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considers a contract. For reporting purposes, subaward types include contracts, grants, loans, direct payments, or government transfers.

**Project Name:** Howell City Drain

**County Department or Organization Making Request:** Livingston County Drain Commissioner

**Primary Contact/Project Owner**

Name: Kenneth E. Recker II  
 Title: Chief Deputy Drain Commissioner  
 Email: krecker@livgov.com  
 Phone: 517-552-6772

**Estimated Cost:** \$250,000

**Estimated Project Timeline**

March 6 – April 30, 2023

**Implementing Entity (Department, Agency, Organization):** Livingston County Drain Commissioner and Howell City Drain Drainage District

**Project Description to include impact of COVID-19, intended impact of project, and general description of services** (50-250 words) (Project leaders are encouraged to provide the County with any additional materials to describe their projects)

*Address historical remnant of an enclosed drainage system. 14" vitrified clay pipe to be replaced has 42" reinforced concrete pipe (RCP) discharging to it upstream, and 54" RCP carrying flows under Grand River, then westerly to the Shiawassee River. This section of 14" failing drainage tile serves 437 acres of land and 427 individual properties within the City of Howell and Howell Township. Historical problems with this system have resulted in flooding of buildings (specifically the American Red Cross facility) and property within the district. The district is characterized by heavy institutional land uses, including a significant Howell Public School Complex, the County Jail, a full-service Hospital, and some residential properties towards the east and southeastern parts of the District. The City of Howell has entered into an agreement with the Drainage District authorizing our office to improve the drain pursuant to the Michigan Drain Code (MCL 280.196(5), to facilitate this application.*

**What was the harm caused by COVID to justify this project?**

Not Applicable for Infrastructure Projects

**How does this project address the impact from COVID-19?**

Not Applicable for Infrastructure Projects

**Describe who the beneficiaries of this project are perceived to be.**



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*Lands within the Howell City Drain Drainage District. This would include properties (and the owners of these properties), and public roads (City and State Roads) within the Drainage District. The district comprises significant commercial, institutional, and residential land uses.*

**Is this a new project or an expansion of an existing project? If existing, please explain the purpose of the expansion.**

*This is improvement of an existing drainage system, by replacing a section of 14" pipe that is over 100 years old with a new 54" RCP.*

**Describe the structure of the program (i.e. what is the flow of the funding, are there any contractors/subrecipients/beneficiaries?) (see Appendix C for information on non-Federal entities)**

*The Michigan Drain Code (Act 40 of the Public Acts of 1956, as amended), is the governing law for Drains in the State of Michigan. It dictates the structure improvement of established county drains. In this case, bids were received for the project in January of 2023. Based on bid results J. Sebastian Trucking & Excavating of Springport, Michigan, has been contracted for the project.*

**Will this project involve capital expenses?**

Yes ☒

No ☐

Describe how the investment creates a lasting impact to improve economic, environmental, social and health outcomes for residents.

**The inadequate capacity of the section of pipe to be replaced is well documented over the last 25 years, in part due to two flooding events at the American Red Cross Facility, located at 1372 West Grand River Avenue in Howell. The last event was precipitated by a significant summer storm (greater than 1% chance event) on August 12, 2021.**

**An effort to previously replace this section of pipe failed in 2004, when the landowner on the northwest corner of Highlander Way and Grand River declined to participate in a project that was funded in part by the Michigan Department of Transportation. This project will improve the reliability of the system to serve the commercial, institutional, and residential property within the Drainage District.**

Describe how this project will leverage funds from other public, private, and non-profit sources. (if applicable)

**Livingston County ARPA funds are to provide 50% of the project cost. Remaining funds will be paid by the City of Howell in accordance with a Contract between the City and the Drain Commissioner dated December 19, 2022.**

Describe the financial sustainability plan for the years beyond County funding. (if applicable)

**MCL 280.196 (Section 196 of the Michigan Drain Code) addresses maintenance parameters for county drains under the Michigan Drain Code. Necessary maintenance**



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**will be assessed to the drainage district by law as has been historically done. Historically, maintenance expenses for this drain have been paid for at-large by the City.**

### **Accountability Measures**

What are the performance indicators (inputs, outputs, outcomes) that the project would track to measure impact?

**Work orders for drain maintenance, when compared against historical maintenance within the area work is proposed, would help establish the success or failure of the repairs. We anticipate the elimination of calls from the Red Cross facility and the Howell Public Schools during high water events. The remainder of the system, which is more properly sized to convey urban drainage, will operate significantly better without this small section of pipe in the middle of it. Work performed by J. Sebastian Trucking & Excavating will be inspected by Livingston County Drain Commissioner and City of Howell (Department of Public Works) staff. Work orders on this drain will be tracked through a program called Cityworks.**

Describe the internal controls (e.g., process documentation, procurement) that will be used to ensure use of funds is consistent with SLFRF guidance. Who will be responsible for data collection, compliance, and reporting for this project?

**The Drain Commissioner is the chief executive officer for the Drain, per the Michigan Drain Code, Act 40 of the Public Acts of 1956, as amended. As such, Brian Jonckheere (the elected Drain Commissioner) is formally responsible for maintaining compliance with internal controls outlined in the Michigan Drain Code. Pay requests will be prepared by J. Sebastian Trucking & Excavating, and reviewed by GEI (Brian Cenci, P.E.) and Livingston County Drain Commissioner staff for accuracy prior to authorizing payment.**

For projects addressing negative economic impacts and serving impacted or disproportionately impacted communities, as defined in the Final Rule ([see Appendices A and B](#)).

Does the project target any populations, demographics, and/or geographic regions presumed to be *impacted* by COVID-19?

**Not applicable for infrastructure projects.**

- (a) Would the eligibility requirements for the program or service be such that the primary intended beneficiaries' income is (1) at or below 300 percent of the Federal Poverty Guidelines, or (2) at or below 65 percent of the AMI for Livingston County?  
**Not applicable for infrastructure projects.**
- (b) Does the project target individuals eligible for any of the qualifying federal programs listed in Appendix B, number 2?  
**Not applicable for infrastructure projects.**



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Does the project target any populations, demographics, and/or geographic regions presumed to be ***disproportionately impacted*** by COVID-19?

**Not applicable for infrastructure projects.**

- (c) Would the eligibility requirements for the program or service be such that the primary intended beneficiaries' income is (1) at or below 185 percent of the Federal Poverty Guidelines, or (2) at or below 40 percent of the AMI for Livingston County?

**Not applicable for infrastructure projects.**

- (d) Does the project target individuals eligible for any of the qualifying federal programs listed in Appendix C, number 2?

**Not applicable for infrastructure projects.**



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## Appendix A: Guidelines for Identifying *Impacted* Households or Communities

Based on the SLFRF Final Rule, recipients may presume that an individual, household, or community was impacted by the pandemic and eligible for the associated services enumerated in the rule if any of the following criteria are met:

1. The primary intended beneficiaries' income<sup>1</sup> is at or below 65 percent of Livingston County's Area Median Income or at or below 300 percent of the Federal Poverty Guidelines.<sup>2</sup>

Size of household	Moderate income		
	65% AMI	300% FPG	Threshold
1	45,435	38,640	38,640
2	51,935	52,260	52,260
3	58,435	65,880	65,880
4	64,870	79,500	79,500
5	70,070	93,120	93,120
6	75,270	106,740	106,740
7	80,470	120,360	120,360
8	85,670	133,980	133,980

2. The primary intended beneficiaries are eligible for any of the following federal programs:
  - a. Children's Health Insurance Program (CHIP)
  - b. Childcare Subsidies through the Child Care and Development Fund (CCDF) Program
  - c. Medicaid
  - d. National Housing Trust Fund (HTF), for affordable housing programs only
  - e. Home Investment Partnerships Program (HOME), for affordable housing programs only

<sup>1</sup> "Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community." Overview of the Final Rule, p. 17. <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>

<sup>2</sup> Thresholds from the U.S. Treasury's Tool for Determining Low and Moderate Income (LMI) Households. Last updated February 2022. <https://home.treasury.gov/system/files/136/SLFRF-LMI-tool.xlsx>



Last updated 1/22/2023

## Appendix B: Guidelines for Identifying *Disproportionately Impacted* Households or Communities

Based on the SLFRF Final Rule, recipients may presume that an individual, household, or community was disproportionately impacted by the pandemic and eligible for the associated services enumerated in the rule if any of the following criteria are met:

1. The primary intended beneficiaries' income<sup>3</sup> is at or below 40 percent of Muskegon County's Area Median Income or at or below 185 percent of the Federal Poverty Guidelines.<sup>4</sup>

Size of household	Low income		
	40% AMI	185% FPG	Threshold
1	27,960	23,828	27,960
2	31,960	32,227	32,227
3	35,960	40,626	40,626
4	39,920	49,025	49,025
5	43,120	57,424	57,424
6	46,320	65,823	65,823
7	49,520	74,222	74,222
8	52,720	82,621	82,621

2. The primary intended beneficiaries are eligible for any of the following federal programs:
  - a. Temporary Assistance for Needy Families (TANF)
  - b. Supplemental Nutrition Assistance Program (SNAP)
  - c. Free and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs
  - d. Medicare Part D Low-income Subsidies Supplemental Security Income (SSI)
  - e. Subsidies Supplemental Security Income (SSI)
  - f. Head Start and/or Early Head Start
  - g. Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
  - h. Section 8 Vouchers
  - i. Low-Income Home Energy Assistance Program (LIHEAP)
  - j. Pell Grants

<sup>3</sup> "Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community." Overview of the Final Rule, p. 19. <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>

<sup>4</sup> Thresholds from the U.S. Treasury's Tool for Determining Low and Moderate Income (LMI) Households. Last updated February 2022. <https://home.treasury.gov/system/files/136/SLFRF-LMI-tool.xlsx>



Last updated 1/22/2023

3. The primary intended beneficiaries live in a Qualified Census Tract (QCT) (Low-Income Housing Tax Credit Qualified Census Tracts must have 50 percent of households with incomes below 60 percent of the Area Median Gross Income (AMGI) or have a poverty rate of 25 percent or more.) **Note – there are no QCTs in Livingston County, MI** (<https://www.huduser.gov/portal/datasets/qct.html#2022>)





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## Appendix C: Non-Federal Entities

The Local Fiscal Recovery Funds are subject to 2 C.F.R. Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance"). Uniform Guidance provide recipients of federal grants a set of standards related to procurement, internal controls, subrecipient monitoring, auditing practices, and more.

A key part of compliance with Uniform Guidance is subrecipient monitoring. As part of administering SLFRF, it is critical that non-Federal entities<sup>5</sup> are properly identified. Appropriate classification is important as it impacts procurement and subrecipient monitoring requirements. If you are unsure of a non-Federal entity's classification, please contact Guidehouse for additional resources.

In determining whether an agreement between the County and a non-Federal entity casts the latter as a subrecipient, contractor, or beneficiary, the substance of the relationship is more important than the form of the agreement. *All of the characteristics listed below may not be present in all cases, and the County must use judgment in classifying each agreement as a subaward or a procurement contract.*

The three classifications of recipients are as follows:

**Subrecipient:** A subaward for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship. Characteristics include:

- (1) Determines who is eligible to receive Federal assistance;
- (2) Has its performance measured in relation to whether objectives of a federal program were met;
- (3) Has responsibility of programmatic decision-making;
- (4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; **and**
- (5) In accordance with it's agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the [County].<sup>6</sup>

**Contractor:** A contract is for the purpose of obtaining goods and service for the non-Federal entity's own use and creates a procurement relationship. Characteristics include:

- (1) Provides the goods and services within normal business operations;
  - (2) Provides similar goods or services to many different purchasers;
  - (3) Normally operates in a competitive environment;
  - (4) Provides goods or services that are ancillary to the operation of the Federal program;
- and**

<sup>5</sup> Note: Non-Federal entity refers to subrecipients, contractors, and beneficiaries. Final Rule generally refers to anyone receiving a payment from the County as a "subrecipient." In the Public Health and Economic Impacts sections, the Final Rule does identify eligible beneficiaries as part of the distinctions between the general public, impacted, and disproportionately impacted. In the reporting guidance and reports, all non-Federal entities are jointly referred to as "subrecipients."

<sup>6</sup> <https://www.law.cornell.edu/cfr/text/2/200.331>



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- (5) Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.<sup>7</sup>

**Beneficiaries:** Households, small businesses, or nonprofits that receive assistance based on impacts of the pandemic that they experienced.<sup>8</sup> Beneficiaries are not subject to audit pursuant to the Single Audit Act and 2 C.F.R. Part 200, Subpart F.

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<sup>7</sup> <https://www.law.cornell.edu/cfr/text/2/200.331>

<sup>8</sup> <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>



Last updated 1/22/2023

## Appendix D: Capital Expenditures

The Local Fiscal Recovery Funds are subject to 2 C.F.R. Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“Uniform Guidance”). Uniform Guidance provide recipients of federal grants a set of standards related to procurement, internal controls, subrecipient monitoring, auditing practices, and more.

The SLFRF Final Rule adopts several definitions from the Uniform Guidance including for capital expenditures, capital assets, equipment, and supplies. These definitions are noted below:<sup>9</sup>

- **Capital expenditure:** Expenditure to acquire capital assets or to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life
- **Capital asset:** Tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with Generally Accepted Accounting Principles (GAAP); includes lands, facilities, equipment, and intellectual property
- **Equipment:** Tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000

*Supplies, meaning all tangible personal property other than those included as “equipment,” are not considered capital expenditures.*

Recipients may also use SLFRF funds for pre-project development costs that are tied to or reasonably expected to lead to an eligible capital expenditure. For example, pre-project costs associated with planning and engineering for an eligible project are considered an eligible use of funds.

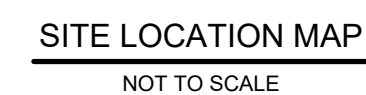
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<sup>9</sup> <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule.pdf>

The logo for GEI Consultants features the letters "GEI" in a large, bold, black serif font, followed by the word "Consultants" in a smaller, black sans-serif font. To the right of the text is a red square containing a white circular emblem with three concentric circles. Below the logo, the text "GEI CONSULTANTS OF MICHIGAN, P.C." is written in a bold, black, sans-serif font, followed by "230 N. WASHINGTON SQUARE" and "SUITE 301" on separate lines. Below this is the address "LANSING, MI 48933" and the phone number "(517)803-4600". At the bottom of the page is the circular seal of the Livingston County Drain Commissioner. The seal has a blue outer ring with the text "LIVINGSTON COUNTY" at the top and "DRAIN COMMISSIONER" at the bottom. Inside the ring is a landscape illustration showing a green field, a red barn, and a blue sky with clouds. The words "CONSERVATION" and "QUALITY SERVICE" are written in white on the left and right sides of the seal, respectively.



**COUNTY MAP**  
**NOT TO SCALE**



**CONSUMERS ENERGY - GAS**  
STEVEN SORIA - GEN ENG TECH ANL II  
PHONE: (800) 477-5050  
STEVEN.SORIA@CMSENERGY.COM

THIS DOCUMENT, AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, IS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF GEI CONSULTANTS AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF GEI CONSULTANTS.





HOWELL CITY DRAIN  
A PART OF SECTION 6, GENOA TWP,  
T5N, R5E, LIVINGSTON COUNTY, MICHIGAN

Attention:

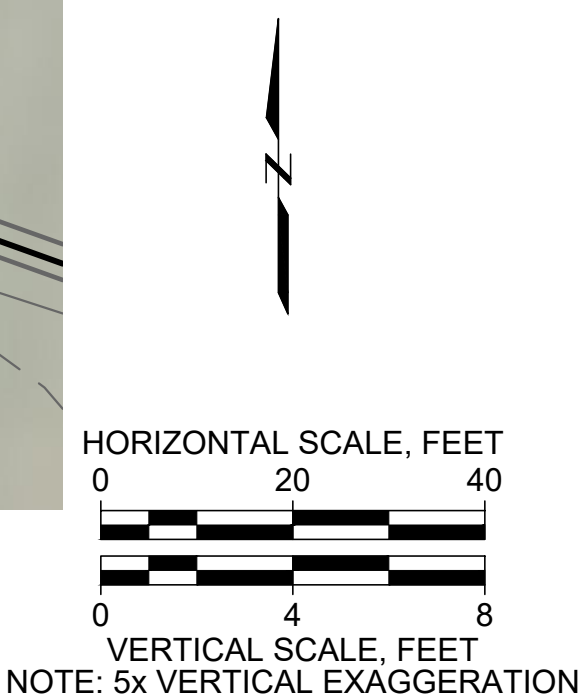
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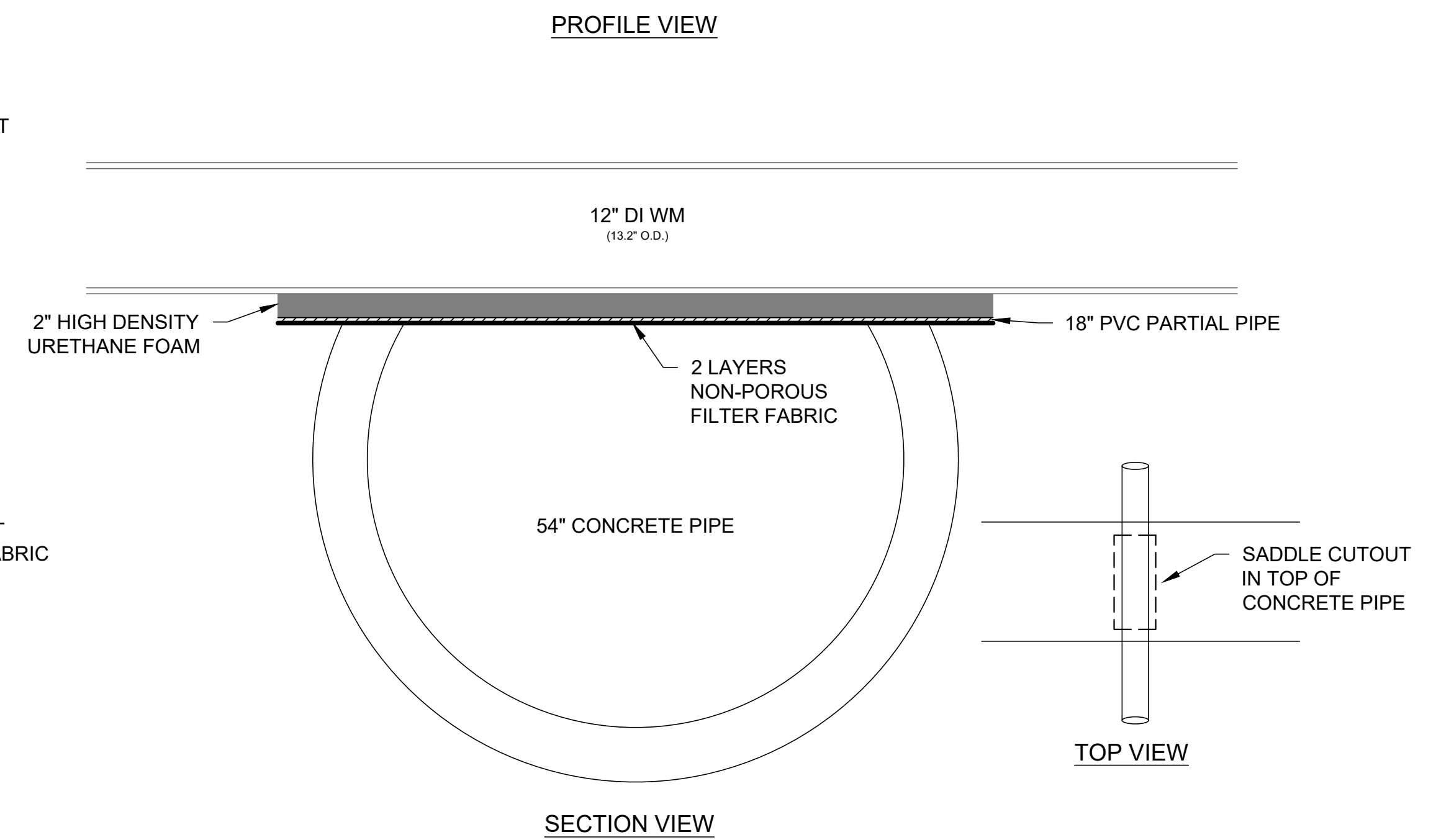
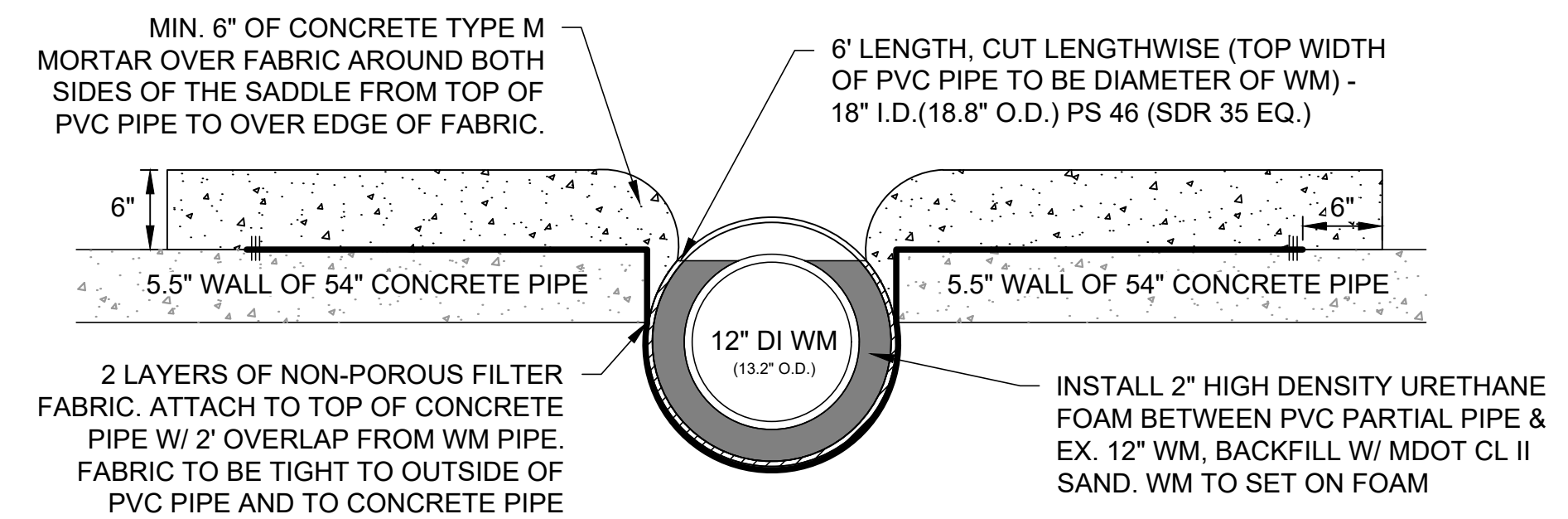
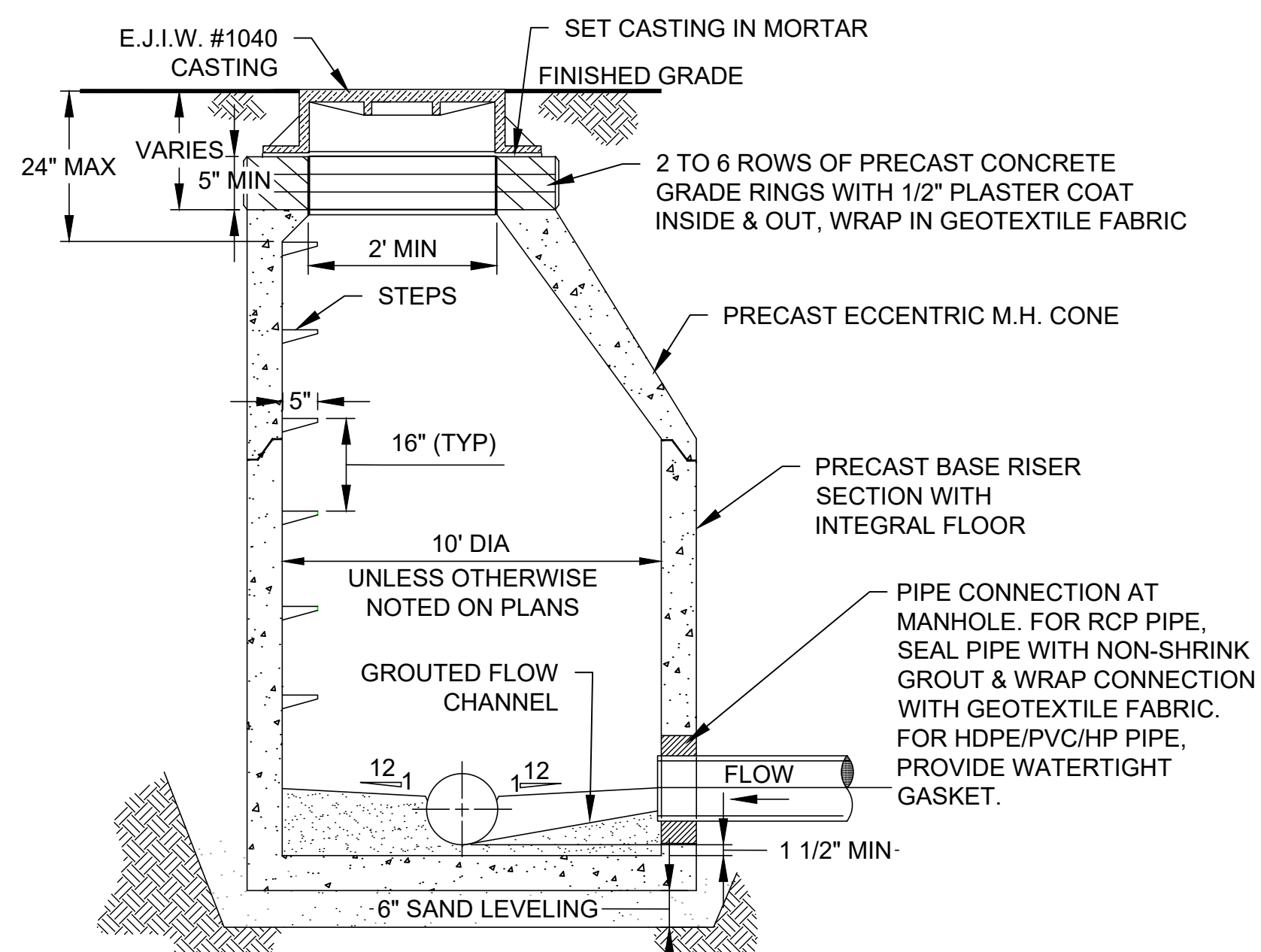
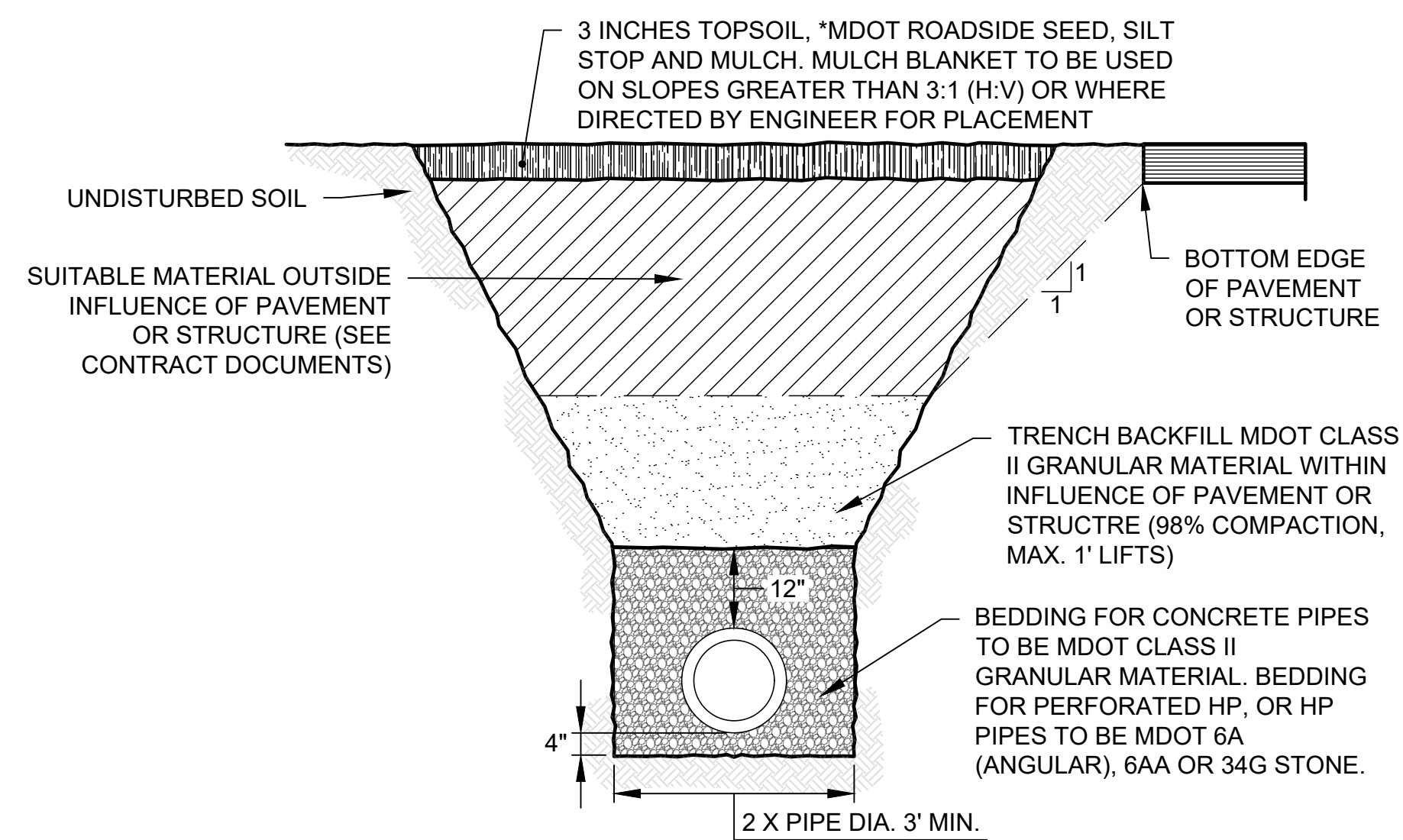
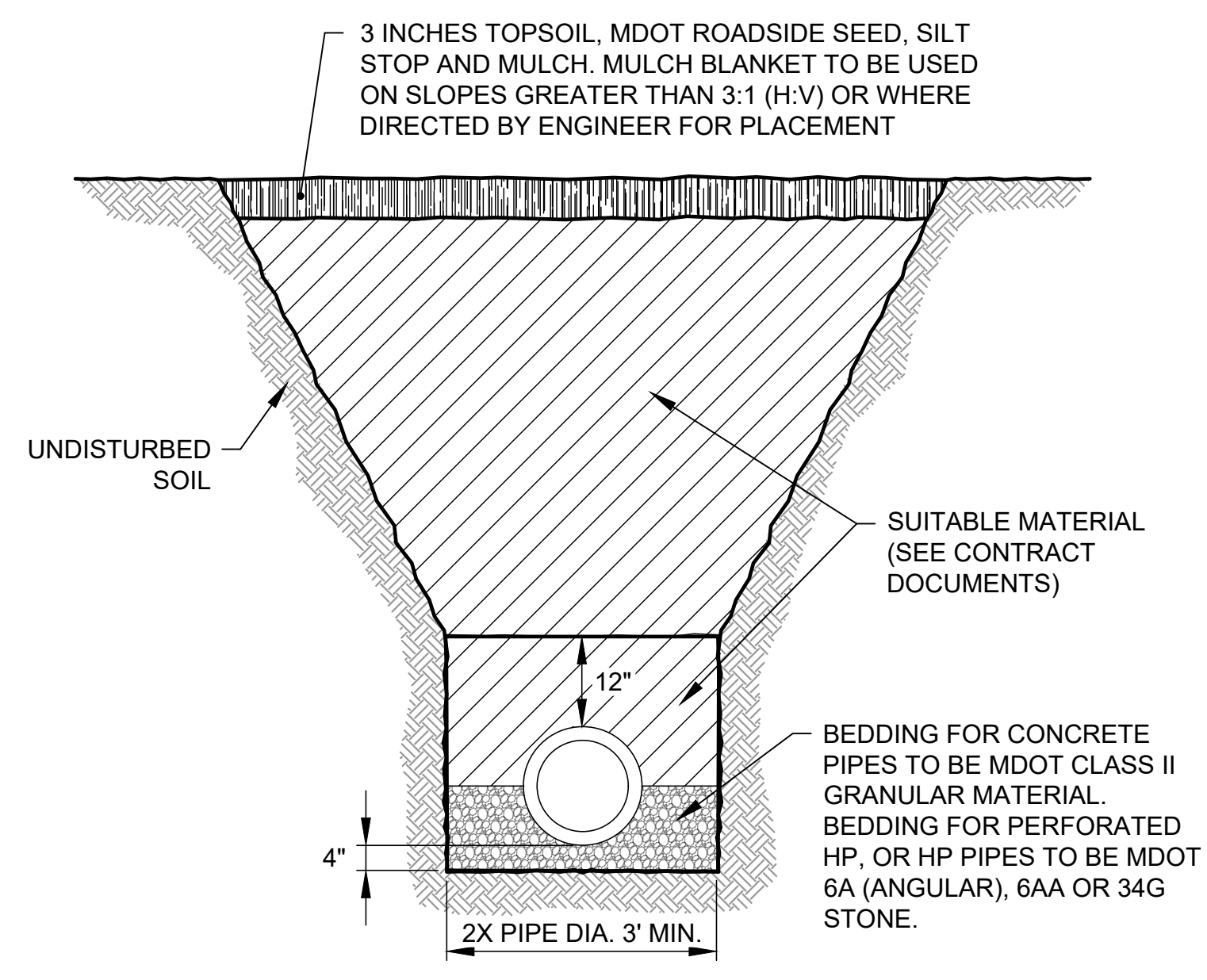
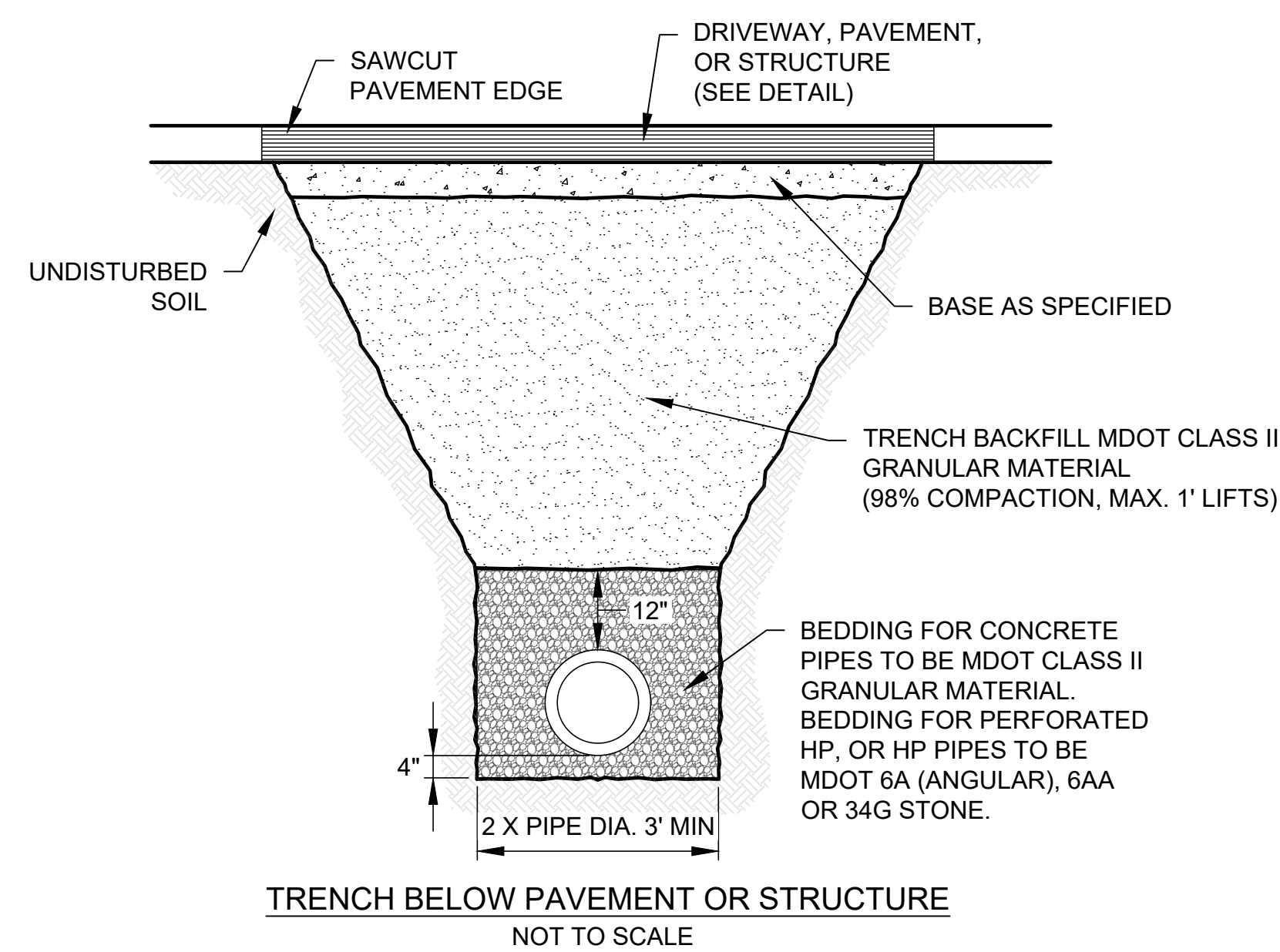
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NO.	DATE	ISSUE/REVISION	A

## STORM SEWER PLAN & PROFILE

2








BRIAN JONCKHEERE  
LIVINGSTON COUNTY DRAIN COMMISSIONER

A PART OF SECTION 6, GENOA TWP,  
T5N, R5E, LIVINGSTON COUNTY, MICHIGAN

Approved:	BJC
Checked:	BJC
Drawn:	LCM
Designed:	LCM
GEI Project	2200156

**Attention:**



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NO.	DATE	ISSUE/REVISION	APP

SHEET NAME

## DETAILS

SHEET NO.







## GUIDEHOUSE ELIGIBILITY ASSESSMENT

<b>Project Name</b>	Howell City Drain
<b>Estimated Cost</b>	\$250,000
<b>Risk Level (for non-revenue loss categories)</b>	Low
<b>LFRF Supporting Guidance</b>	<p><i><b>“Publicly and privately owned, permitted and unpermitted projects that manage, reduce, treat, or recapture stormwater or subsurface drainage water are eligible.”</b></i>  <a href="#">(Final Rule</a>, p. 276-277).</p> <p><i>“The CWSRF includes a broad range of stormwater infrastructure projects, and as such these projects were eligible under the interim final rule and continue to be eligible under the final rule. These projects include gray infrastructure projects, such as traditional pipe, storage, and treatment systems. <b>Projects that manage, reduce, treat, or recapture stormwater or subsurface drainage water are also eligible</b>, including real-time control systems for combined sewer overflow management, and sediment control.....In addition to the eligible uses under the CWSRF, Treasury is expanding the eligible uses under the final rule to include stormwater system infrastructure projects regardless of whether there is an expected water quality benefit from the project. <a href="#">(Final Rule</a>, p. 281-282).</i></p>
<b>Proposed Expenditure Category</b>	EC 5.6 Clean Water: Stormwater
<b>Disadvantaged Communities Requirement?</b>	N/A
<b>Other potential reporting requirements</b>	<ul style="list-style-type: none"> <li>• Obligations and Expenditures</li> <li>• Project Status <ul style="list-style-type: none"> <li>○ Not Started</li> <li>○ Completed less than 50 percent</li> <li>○ Completed 50 percent or more</li> <li>○ Completed</li> </ul> </li> <li>• Project Description</li> <li>• Projected/actual construction start date (month/year)</li> <li>• Projected/actual initiation of operations date (month/year)</li> <li>• Location</li> <li>• National Pollutant Discharge Elimination System (NPDES) Permit Number <i>(if applicable)</i></li> <li>• Public Water System (PWS) ID number <i>(if applicable)</i></li> <li>• Median Household Income of service area</li> <li>• Lowest Quintile Income of the service area</li> <li>• Subaward Information</li> <li>• Subrecipient/Contractor Information</li> </ul>



## Livingston County | Planning and Implementation of ARPA Projects

Date: 3/12/23

<b>Recommendations/Concerns</b>	<ul style="list-style-type: none"><li>• Be that federal procurement guidelines have been followed if the County moves forward with classifying this project under EC 5.6</li><li>• Let work on getting these reporting requirements triaged as soon as possible given it sounds like the project may have or is ready to begin.</li></ul>
<b>Additional information requests</b>	n/a

RESOLUTION

NO: 2023-04-075

LIVINGSTON COUNTY

DATE: April 24, 2023

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**Resolution Authorizing Improvements to Lott Drain and Distribution of American Rescue Plan Act (ARPA) Funding – Drain Commissioner**

**WHEREAS,** Resolution 2022-12-192 outlined a plan for the strategic use and distribution of American Rescue Plan Act (ARPA) funding; and

**WHEREAS,** a total of \$6,175,870 of ARPA funding was identified for the Drain Commissioner’s Office for water infrastructure projects; and

**WHEREAS,** the Drain Commissioner’s Office is requesting \$25,000 of this allocation to address decaying portion of an enclosed drainage system under Oak Grove Road, a county primary road in Cohoctah Township. This road as of 2021 has an average daily traffic county of 3020 vehicles per day, and also serves a rail line immediately east of Oak Grove Road. Land uses within the drainage district are agricultural and residential; and

**WHEREAS,** this is an eligible use of ARPA funding and will be listed under the *Expenditure Category: 5.6 Clean Water: Stormwater* for federal reporting purposes.

**THEREFORE, BE IT RESOLVED** that the Livingston County Board of Commissioners hereby authorizes the amount of \$25,000 of ARPA funds for drain maintenance and improvements, to be provided for the purpose of maintaining the County’s subsurface water drainage infrastructure to the Drain Commissioner’s Office for the Lott Drain.

**BE IT FURTHER RESOLVED** that the Drain Commissioner is authorized to sign all forms, assurances, contracts/agreements, and future amendments with contract language adjustments related to above upon review and/or preparation by Civil Counsel.

**BE IT FURTHER RESOLVED** that the Board of Commissioners authorizes any budget amendments needed to effectuate this project.

**BE IT FURTHER RESOLVED** that from the date of approval of this resolution until the project is completed, as outlined in Resolution 2022-12-192, the Drain Commissioner’s Office shall provide a written update on the status of the project every three (3) months and shall present, in person, to the Finance and Asset Management Committee every six (6) months until the project is complete.

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**MOVED:  
SECONDED:  
CARRIED:**



Last updated 1/22/2023

## Livingston County

# ARPA Local Fiscal Recovery Fund Project Information Form

### Local Fiscal Recovery Fund Resources

- [Final Rule](#), January 2022, effective April 2022: Finalized version of the interim final rule, with amendments. Implements the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act.
- [Compliance and Reporting Guidance](#), version 4.2, updated August 2022: Guidance that reflects the Final Rule, as opposed to the Interim Final Rule (May 2021) and provides clarity on recipient's compliance and reporting responsibilities, such as statutory eligible uses and award terms and conditions.
- [Overview of the Final Rule](#), January 2022: Provides a summary of major provisions of the final rule and should be used as a simplified user guide; does not include all funding requirements.
- [Project and Expenditure Report User Guide](#), version 3.1, updated July 2022: Provides information on using the Treasury's Portal to submit SFRF Project and Expenditure Reports; supplement to the Compliance and Reporting Guidance. Guidehouse is primarily responsible for understanding this user guide, but FAQs on page 106 may be of general interest.
- [Frequently Asked Questions](#), updated July 2022: Based on final rule and offers guidance on eligible uses.

### Definitions

- **Project:** A project is a grouping of closely related activities that together are intended to achieve a specific goal or directed toward a common purpose. Recipients have the flexibility to define their projects in a way that provides the greatest clarity on the work which will be performed.
- **Expenditure Category:** Each project for which SFRF funds were used should be scoped to align to a single Expenditure Category. There may be multiple projects assigned to a single Expenditure Category. Required programmatic data varies based on the project's assigned Expenditure Category.
- **Obligations:** An obligation is an order placed - such as a contract - and similar transactions that require payment (e.g., grant, loan, or other arrangement).
- **Expenditures:** An expenditure is the amount that has been incurred as a liability of the entity (the service has been rendered or the good has been delivered to the entity and payment is due)
- **Subaward:** An award provided by the Recipient to a subrecipient for the subrecipient to carry out part of a Federal award received by the Recipient. A subaward may be provided through any form of legal agreement, including an agreement that the Recipient



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considers a contract. For reporting purposes, subaward types include contracts, grants, loans, direct payments, or government transfers.

**Project Name:** Lott Drain

**County Department or Organization Making Request:** Livingston County Drain Commissioner

**Primary Contact/Project Owner**

Name: Kenneth E. Recker II  
 Title: Chief Deputy Drain Commissioner  
 Email: krecker@livgov.com  
 Phone: 517-552-6772

**Estimated Cost:** \$50,000

**Estimated Project Timeline**

Summer 2023

**Implementing Entity (Department, Agency, Organization):** Livingston County Drain Commissioner and Lott Drain Drainage District

**Project Description to include impact of COVID-19, intended impact of project, and general description of services** (50-250 words) (Project leaders are encouraged to provide the County with any additional materials to describe their projects)

*Address decaying portion of an enclosed drainage system under Oak Grove Road, a county primary road in Cohoctah Township. A previous failure of a portion of this system in 2014 resulted in a jetter (vacator head), being left in the pipe under the road. This road as of 2021 has an average daily traffic county of 3020 vehicles per day, and also serves a rail line immediately east of Oak Grove Road. Land uses within the drainage district are agricultural and residential. The Township of Cohoctah passed a resolution pursuant to MCL 280.196 authorizing the Drain Commissioner to exceed the maintenance limits on the drain to facilitate this application.*

**What was the harm caused by COVID to justify this project?**

Not Applicable for Infrastructure Projects

**How does this project address the impact from COVID-19?**

Not Applicable for Infrastructure Projects

**Describe who the beneficiaries of this project are perceived to be.**

*Lands within the Lott Drain Drainage District. This would include properties (and the owners of these properties), and public roads (County Roads) within the Drainage District, and residents of adjoining communities who use Oak Grove Road for their daily work commute.*

**Is this a new project or an expansion of an existing project? If existing, please explain the purpose of the expansion.**



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*This is maintenance of an existing drainage system, by replacing a section of 10" pipe that is over 100 years old with a new 12" High performance plastic (HPPP) pipe.*

**Describe the structure of the program (i.e. what is the flow of the funding, are there any contractors/subrecipients/beneficiaries?)** (see Appendix C for information on non-Federal entities)

*The Michigan Drain Code (Act 40 of the Public Acts of 1956, as amended), is the governing law for Drains in the State of Michigan. It dictates the structure improvement of established county drains. In this case, bids will be received for the project in the Spring of 2023. The lowest responsive and responsible bidder will be selected as the winning bidder.*

**Will this project involve capital expenses?**

Yes ☒

No ☐

Describe how the investment creates a lasting impact to improve economic, environmental, social and health outcomes for residents.

**Oak Grove Road is a primary route for residents of northern Livingston County. Failure of the road section due to the poor integrity of the underlying drainage system would create a significant burden on residents. The intent of completing this work is to ensure continuity of the soil structure supporting the road for several decades.**

Describe how this project will leverage funds from other public, private, and non-profit sources. (if applicable)

**ARPA funds are to provide 50% of the project cost. Remaining funds will be assessed to the Drainage District in accordance with the Michigan Drain Code, Act 40 of the Public Acts of 1956, as amended. This will include apportionments to properties, Cohoctah Township, and Livingston County.**

Describe the financial sustainability plan for the years beyond County funding. (if applicable)

**MCL 280.196 (Section 196 of the Michigan Drain Code) addresses maintenance parameters for county drains under the Michigan Drain Code. Necessary maintenance will be assessed to the drainage district by law as has been historically done.**

### **Accountability Measures**

What are the performance indicators (inputs, outputs, outcomes) that the project would track to measure impact?

**Work orders for drain maintenance, when compared against historical maintenance within the area work is proposed, would help establish the success or failure of the repairs. Work performed by lowest responsive and responsible bidder will be inspected by Livingston County Drain Commissioner staff. Work orders on this drain will be tracked through a program called Cityworks.**



Last updated 1/22/2023

Describe the internal controls (e.g., process documentation, procurement) that will be used to ensure use of funds is consistent with SLFRF guidance. Who will be responsible for data collection, compliance, and reporting for this project?

**The Drain Commissioner is the chief executive officer for the Drain, per the Michigan Drain Code, Act 40 of the Public Acts of 1956, as amended. As such, Brian Jonckheere (the elected Drain Commissioner) is formally responsible for maintaining compliance with internal controls outlined in the Michigan Drain Code. Pay requests will be prepared by lowest responsive and responsible bidder, and reviewed by Livingston County Drain Commissioner staff for accuracy prior to authorizing payment.**

For projects addressing negative economic impacts and serving impacted or disproportionately impacted communities, as defined in the Final Rule ([see Appendices A and B](#)).

Does the project target any populations, demographics, and/or geographic regions presumed to be *impacted* by COVID-19?

**Not applicable for infrastructure projects.**

- (a) Would the eligibility requirements for the program or service be such that the primary intended beneficiaries' income is (1) at or below 300 percent of the Federal Poverty Guidelines, or (2) at or below 65 percent of the AMI for Livingston County?

**Not applicable for infrastructure projects.**

- (b) Does the project target individuals eligible for any of the qualifying federal programs listed in Appendix B, number 2?

**Not applicable for infrastructure projects.**

Does the project target any populations, demographics, and/or geographic regions presumed to be *disproportionately impacted* by COVID-19?

**Not applicable for infrastructure projects.**

- (c) Would the eligibility requirements for the program or service be such that the primary intended beneficiaries' income is (1) at or below 185 percent of the Federal Poverty Guidelines, or (2) at or below 40 percent of the AMI for Livingston County?

**Not applicable for infrastructure projects.**

- (d) Does the project target individuals eligible for any of the qualifying federal programs listed in Appendix C, number 2?

**Not applicable for infrastructure projects.**



Last updated 1/22/2023

## Appendix A: Guidelines for Identifying *Impacted* Households or Communities

Based on the SLFRF Final Rule, recipients may presume that an individual, household, or community was impacted by the pandemic and eligible for the associated services enumerated in the rule if any of the following criteria are met:

1. The primary intended beneficiaries' income<sup>1</sup> is at or below 65 percent of Livingston County's Area Median Income or at or below 300 percent of the Federal Poverty Guidelines.<sup>2</sup>

Size of household	Moderate income		
	65% AMI	300% FPG	Threshold
1	45,435	38,640	38,640
2	51,935	52,260	52,260
3	58,435	65,880	65,880
4	64,870	79,500	79,500
5	70,070	93,120	93,120
6	75,270	106,740	106,740
7	80,470	120,360	120,360
8	85,670	133,980	133,980

2. The primary intended beneficiaries are eligible for any of the following federal programs:
  - a. Children's Health Insurance Program (CHIP)
  - b. Childcare Subsidies through the Child Care and Development Fund (CCDF) Program
  - c. Medicaid
  - d. National Housing Trust Fund (HTF), for affordable housing programs only
  - e. Home Investment Partnerships Program (HOME), for affordable housing programs only

<sup>1</sup> "Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community." Overview of the Final Rule, p. 17. <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>

<sup>2</sup> Thresholds from the U.S. Treasury's Tool for Determining Low and Moderate Income (LMI) Households. Last updated February 2022. <https://home.treasury.gov/system/files/136/SLFRF-LMI-tool.xlsx>



Last updated 1/22/2023

## Appendix B: Guidelines for Identifying *Disproportionately Impacted* Households or Communities

Based on the SLFRF Final Rule, recipients may presume that an individual, household, or community was disproportionately impacted by the pandemic and eligible for the associated services enumerated in the rule if any of the following criteria are met:

1. The primary intended beneficiaries' income<sup>3</sup> is at or below 40 percent of Muskegon County's Area Median Income or at or below 185 percent of the Federal Poverty Guidelines.<sup>4</sup>

Size of household	Low income		
	40% AMI	185% FPG	Threshold
1	27,960	23,828	27,960
2	31,960	32,227	32,227
3	35,960	40,626	40,626
4	39,920	49,025	49,025
5	43,120	57,424	57,424
6	46,320	65,823	65,823
7	49,520	74,222	74,222
8	52,720	82,621	82,621

2. The primary intended beneficiaries are eligible for any of the following federal programs:
  - a. Temporary Assistance for Needy Families (TANF)
  - b. Supplemental Nutrition Assistance Program (SNAP)
  - c. Free and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs
  - d. Medicare Part D Low-income Subsidies Supplemental Security Income (SSI)
  - e. Subsidies Supplemental Security Income (SSI)
  - f. Head Start and/or Early Head Start
  - g. Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
  - h. Section 8 Vouchers
  - i. Low-Income Home Energy Assistance Program (LIHEAP)
  - j. Pell Grants

<sup>3</sup> "Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community." Overview of the Final Rule, p. 19. <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>

<sup>4</sup> Thresholds from the U.S. Treasury's Tool for Determining Low and Moderate Income (LMI) Households. Last updated February 2022. <https://home.treasury.gov/system/files/136/SLFRF-LMI-tool.xlsx>





Last updated 1/22/2023

3. The primary intended beneficiaries live in a Qualified Census Tract (QCT) (Low-Income Housing Tax Credit Qualified Census Tracts must have 50 percent of households with incomes below 60 percent of the Area Median Gross Income (AMGI) or have a poverty rate of 25 percent or more.) **Note – there are no QCTs in Livingston County, MI** (<https://www.huduser.gov/portal/datasets/qct.html#2022>)



Last updated 1/22/2023

## Appendix C: Non-Federal Entities

The Local Fiscal Recovery Funds are subject to 2 C.F.R. Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance"). Uniform Guidance provide recipients of federal grants a set of standards related to procurement, internal controls, subrecipient monitoring, auditing practices, and more.

A key part of compliance with Uniform Guidance is subrecipient monitoring. As part of administering SLFRF, it is critical that non-Federal entities<sup>5</sup> are properly identified. Appropriate classification is important as it impacts procurement and subrecipient monitoring requirements. If you are unsure of a non-Federal entity's classification, please contact Guidehouse for additional resources.

In determining whether an agreement between the County and a non-Federal entity casts the latter as a subrecipient, contractor, or beneficiary, the substance of the relationship is more important than the form of the agreement. *All of the characteristics listed below may not be present in all cases, and the County must use judgment in classifying each agreement as a subaward or a procurement contract.*

The three classifications of recipients are as follows:

**Subrecipient:** A subaward for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship. Characteristics include:

- (1) Determines who is eligible to receive Federal assistance;
- (2) Has its performance measured in relation to whether objectives of a federal program were met;
- (3) Has responsibility of programmatic decision-making;
- (4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; **and**
- (5) In accordance with it's agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the [County].<sup>6</sup>

**Contractor:** A contract is for the purpose of obtaining goods and service for the non-Federal entity's own use and creates a procurement relationship. Characteristics include:

- (1) Provides the goods and services within normal business operations;
  - (2) Provides similar goods or services to many different purchasers;
  - (3) Normally operates in a competitive environment;
  - (4) Provides goods or services that are ancillary to the operation of the Federal program;
- and**

<sup>5</sup> Note: Non-Federal entity refers to subrecipients, contractors, and beneficiaries. Final Rule generally refers to anyone receiving a payment from the County as a "subrecipient." In the Public Health and Economic Impacts sections, the Final Rule does identify eligible beneficiaries as part of the distinctions between the general public, impacted, and disproportionately impacted. In the reporting guidance and reports, all non-Federal entities are jointly referred to as "subrecipients."

<sup>6</sup> <https://www.law.cornell.edu/cfr/text/2/200.331>



Last updated 1/22/2023

- (5) Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.<sup>7</sup>

**Beneficiaries:** Households, small businesses, or nonprofits that receive assistance based on impacts of the pandemic that they experienced.<sup>8</sup> Beneficiaries are not subject to audit pursuant to the Single Audit Act and 2 C.F.R. Part 200, Subpart F.

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<sup>7</sup> <https://www.law.cornell.edu/cfr/text/2/200.331>

<sup>8</sup> <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>



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## Appendix D: Capital Expenditures

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The SLFRF Final Rule adopts several definitions from the Uniform Guidance including for capital expenditures, capital assets, equipment, and supplies. These definitions are noted below:<sup>9</sup>

- **Capital expenditure:** Expenditure to acquire capital assets or to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life
- **Capital asset:** Tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with Generally Accepted Accounting Principles (GAAP); includes lands, facilities, equipment, and intellectual property
- **Equipment:** Tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000

*Supplies, meaning all tangible personal property other than those included as "equipment," are not considered capital expenditures.*

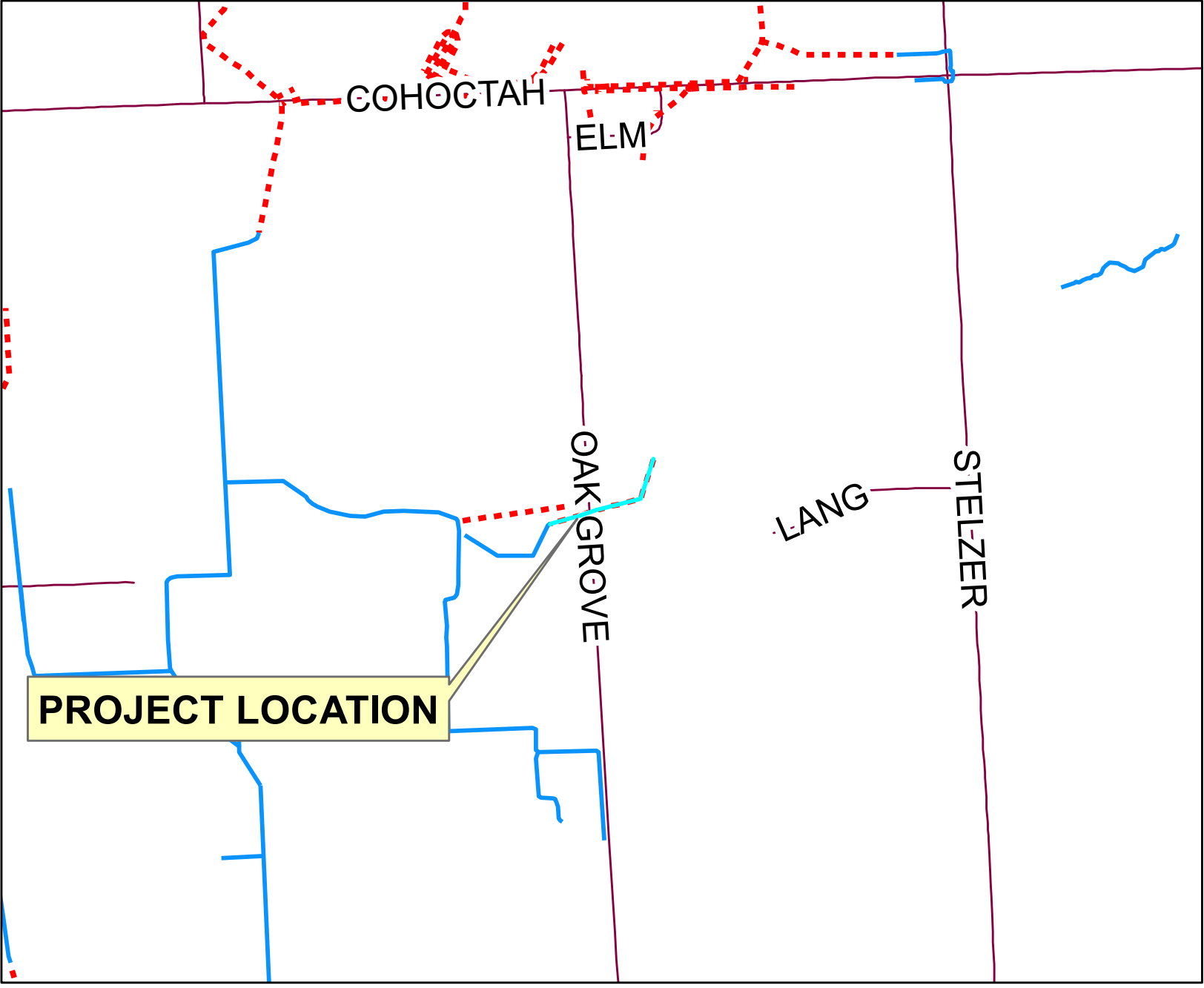
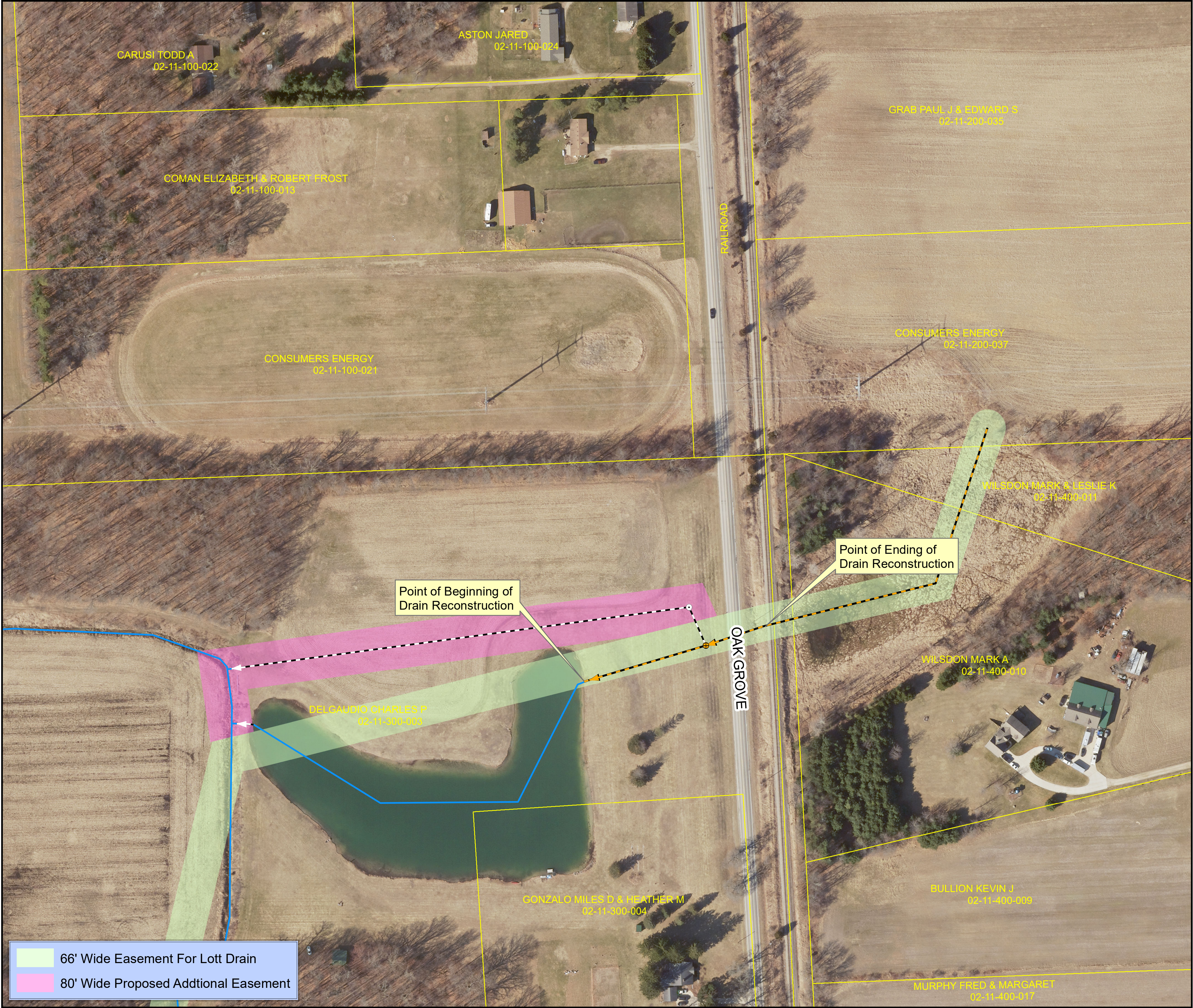
Recipients may also use SLFRF funds for pre-project development costs that are tied to or reasonably expected to lead to an eligible capital expenditure. For example, pre-project costs associated with planning and engineering for an eligible project are considered an eligible use of funds.

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<sup>9</sup> <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule.pdf>



PROPERTY MAP



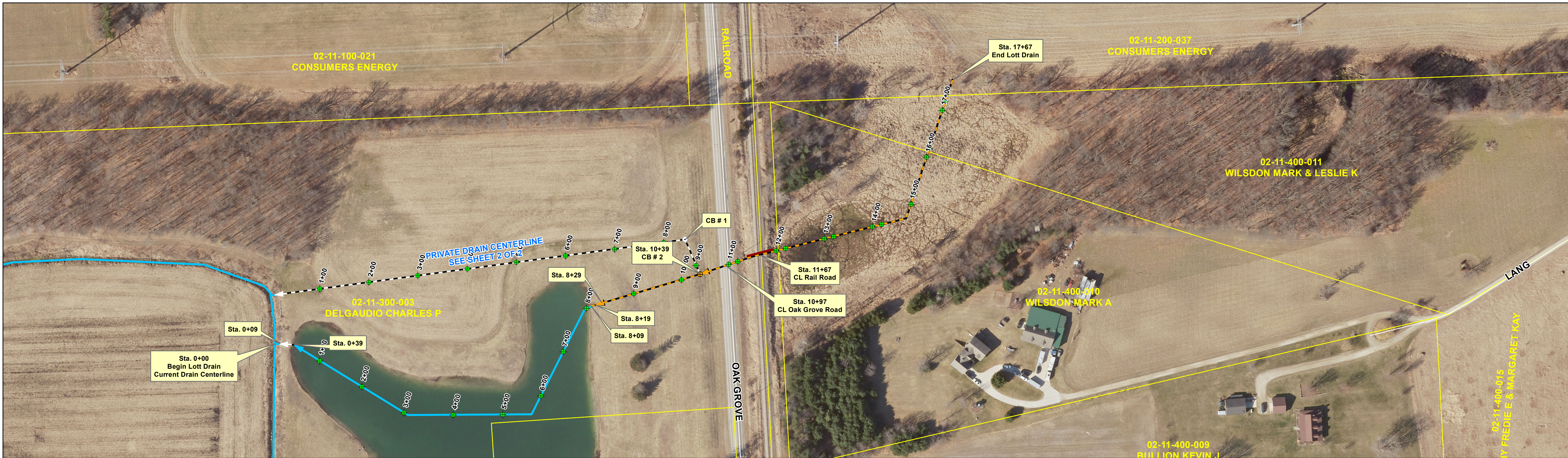
LOCATION MAP

1 inch = 1,000 feet

SHEET INDEX

- R-1 PROPERTY & LOCATION MAP
- R-2 RECONSTRUCTION PROFILE
- R-3 DETAIL SHEET







Livingston County Drain Commissioner

2300 E. Grand River

Howell, Mi. 48843

Orthophoto Flown 2020

Printed February 13, 2023

861.40

Existing Elevation

861.40

Proposed Elevation

Lott Drain

Current Drain Centerline

●

 Drain Stations

⊙

 Drain Commissioner Structure

○

 Private Structure

—

 Culvert Location

—

 Drain Commissioner Enclosed Drain

—

 Private Enclosed Drain

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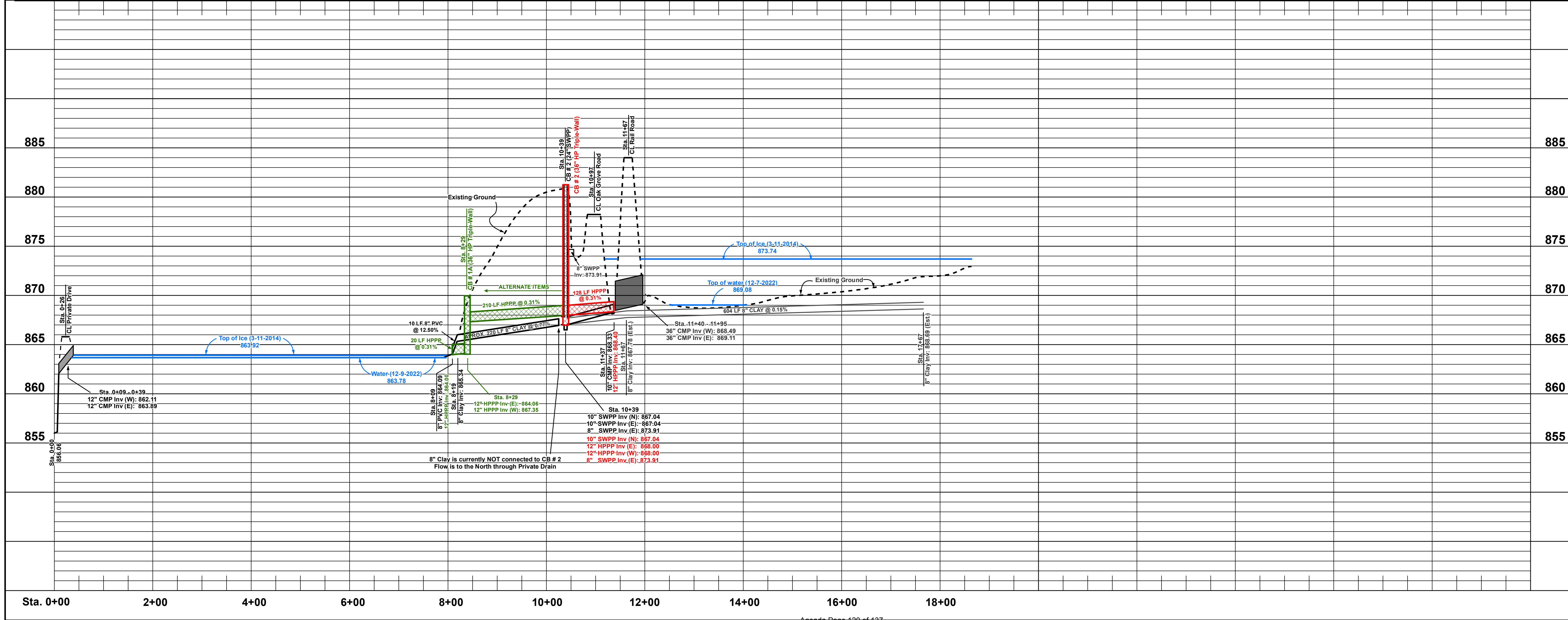
 Private Open Drain

—

 Approx. Property Line

N

1 inch = 100 feet



Brian Jonckheere

Livingston County Drain Commissioner

2300 E Grand River

Howell, Michigan 48843

(517) 546-0040

Fax: (517) 545-9658

Lott Drain

Current Drain Centerline

DESIGNED BY:	DATE

DRAWN BY:	REVISION

CHECKED BY:	DATE

SCALE	HORIZ	VERT
	1" = 100'	1" = 5'

DATE	2-13-2023

SHEET NO.

R-2



## GUIDEHOUSE ELIGIBILITY ASSESSMENT

Project Name	Lott Drain
Estimated Cost	\$50,000
Risk Level (for non-revenue loss categories)	Low
LFRF Supporting Guidance	<p><b><i>“Publicly and privately owned, permitted and unpermitted projects that manage, reduce, treat, or recapture stormwater or subsurface drainage water are eligible.”</i></b>  <a href="#">(Final Rule</a>, p. 276-277).</p> <p><i>“The CWSRF includes a broad range of stormwater infrastructure projects, and as such these projects were eligible under the interim final rule and continue to be eligible under the final rule. These projects include gray infrastructure projects, such as traditional pipe, storage, and treatment systems. <b>Projects that manage, reduce, treat, or recapture stormwater or subsurface drainage water are also eligible</b>, including real-time control systems for combined sewer overflow management, and sediment control.....In addition to the eligible uses under the CWSRF, Treasury is expanding the eligible uses under the final rule to include stormwater system infrastructure projects regardless of whether there is an expected water quality benefit from the project. <a href="#">(Final Rule</a>, p. 281-282).</i></p>
Proposed Expenditure Category	EC 5.6 Clean Water: Stormwater
Disadvantaged Communities Requirement?	N/A
Other potential reporting requirements	<ul style="list-style-type: none"> <li>• Obligations and Expenditures</li> <li>• Project Status <ul style="list-style-type: none"> <li>○ Not Started</li> <li>○ Completed less than 50 percent</li> <li>○ Completed 50 percent or more</li> <li>○ Completed</li> </ul> </li> <li>• Project Description</li> <li>• Projected/actual construction start date (month/year)</li> <li>• Projected/actual initiation of operations date (month/year)</li> <li>• Location</li> <li>• National Pollutant Discharge Elimination System (NPDES) Permit Number <i>(if applicable)</i></li> <li>• Public Water System (PWS) ID number <i>(if applicable)</i></li> <li>• Median Household Income of service area</li> <li>• Lowest Quintile Income of the service area</li> <li>• Subaward Information</li> <li>• Subrecipient/Contractor Information</li> </ul>

## Livingston County | Planning and Implementation of ARPA Projects

Date: 3/12/23

<b>Recommendations/Concerns</b>	<ul style="list-style-type: none"><li>• Be that federal procurement guidelines have been followed if the County moves forward with classifying this project under EC 5.6; initial read leaves us to believe that the project will be competitively bid in spring of 2023.</li><li>• Let work on getting these reporting requirements triaged as soon as possible given it sounds like the project may have or is ready to begin.</li></ul>
<b>Additional information requests</b>	n/a



RESOLUTION

NO: 2023-04-076

LIVINGSTON COUNTY

DATE: April 24, 2023

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**Resolution Approving the Distribution of American Rescue Act Funding for the Improvements to the Wood Drain – Drain Commissioner**

**WHEREAS,** Resolution 2022-12-192 outlined a plan for the strategic use and distribution of American Rescue Plan Act (ARPA) funding; and

**WHEREAS,** a total of \$6,175,870 of ARPA funding was identified for the Drain Commissioner’s Office for water infrastructure projects; and

**WHEREAS,** the Drain Commissioner’s Office is requesting \$12,500 of this allocation to address decaying portion of an enclosed drainage system north of Ellis Road that runs under a barn in Cohoctah Township. This section of tile serves Ellis Road and adjoining agricultural properties to the south. Land uses within the drainage district are agricultural and residential. The beneficiaries of this project include Lands within the Wood Drain Drainage District. This would include properties (and the owners of these properties), and public roads (County Roads) within the Drainage District

**WHEREAS,** this is an eligible use of ARPA funding and will be listed under the *Expenditure Category: 5.6 Clean Water: Stormwater* for federal reporting purposes.

**THEREFORE, BE IT RESOLVED** that the Livingston County Board of Commissioners hereby approves the purchase in the amount of \$12,500 for drain maintenance and improvements to Address decaying portion of an enclosed drainage system north of Ellis Road that runs under a barn in Cohoctah Township.

**BE IT FURTHER RESOLVED** that the Board of Commissioners authorizes any budget amendments necessary to effectuate this project.

**BE IT FURTHER RESOLVED** that the Drain Commissioner is authorized to sign all forms, assurances, contracts/agreements, and future amendments with contract language adjustments related to above upon review and/or preparation by Civil Counsel.

**BE IT FURTHER RESOLVED** that from the date of approval of this resolution until the project is completed, as outlined in Resolution 2022-12-192, the Drain Commissioner’s Office shall provide a written update on the status of the project every three (3) months and shall present, in person, to the Finance and Asset Management Committee every six (6) months until the project is complete.

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#

#

**MOVED:**

**SECONDED:**

**CARRIED:**



Last updated 1/22/2023

## Livingston County

# ARPA Local Fiscal Recovery Fund Project Information Form

### Local Fiscal Recovery Fund Resources

- [Final Rule](#), January 2022, effective April 2022: Finalized version of the interim final rule, with amendments. Implements the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act.
- [Compliance and Reporting Guidance](#), version 4.2, updated August 2022: Guidance that reflects the Final Rule, as opposed to the Interim Final Rule (May 2021) and provides clarity on recipient's compliance and reporting responsibilities, such as statutory eligible uses and award terms and conditions.
- [Overview of the Final Rule](#), January 2022: Provides a summary of major provisions of the final rule and should be used as a simplified user guide; does not include all funding requirements.
- [Project and Expenditure Report User Guide](#), version 3.1, updated July 2022: Provides information on using the Treasury's Portal to submit SFRF Project and Expenditure Reports; supplement to the Compliance and Reporting Guidance. Guidehouse is primarily responsible for understanding this user guide, but FAQs on page 106 may be of general interest.
- [Frequently Asked Questions](#), updated July 2022: Based on final rule and offers guidance on eligible uses.

### Definitions

- **Project:** A project is a grouping of closely related activities that together are intended to achieve a specific goal or directed toward a common purpose. Recipients have the flexibility to define their projects in a way that provides the greatest clarity on the work which will be performed.
- **Expenditure Category:** Each project for which SFRF funds were used should be scoped to align to a single Expenditure Category. There may be multiple projects assigned to a single Expenditure Category. Required programmatic data varies based on the project's assigned Expenditure Category.
- **Obligations:** An obligation is an order placed - such as a contract - and similar transactions that require payment (e.g., grant, loan, or other arrangement).
- **Expenditures:** An expenditure is the amount that has been incurred as a liability of the entity (the service has been rendered or the good has been delivered to the entity and payment is due)
- **Subaward:** An award provided by the Recipient to a subrecipient for the subrecipient to carry out part of a Federal award received by the Recipient. A subaward may be provided through any form of legal agreement, including an agreement that the Recipient



Last updated 1/22/2023

considers a contract. For reporting purposes, subaward types include contracts, grants, loans, direct payments, or government transfers.

**Project Name:** Wood Drain

**County Department or Organization Making Request:** Livingston County Drain Commissioner

**Primary Contact/Project Owner**

Name: Kenneth E. Recker II  
 Title: Chief Deputy Drain Commissioner  
 Email: krecker@livgov.com  
 Phone: 517-552-6772

**Estimated Cost:** \$25,000

**Estimated Project Timeline**

Summer 2023

**Implementing Entity (Department, Agency, Organization):** Livingston County Drain Commissioner and Wood Drain Drainage District

**Project Description to include impact of COVID-19, intended impact of project, and general description of services** (50-250 words) (Project leaders are encouraged to provide the County with any additional materials to describe their projects)

*Address decaying portion of an enclosed drainage system north of Ellis Road that runs under a barn in Cohoctah Township. This section of tile serves Ellis Road and adjoining agricultural properties to the south. Land uses within the drainage district are agricultural and residential. The Township of Cohoctah passed a resolution pursuant to MCL 280.196 authorizing the Drain Commissioner to exceed the maintenance limits on the drain to facilitate this application.*

**What was the harm caused by COVID to justify this project?**

Not Applicable for Infrastructure Projects

**How does this project address the impact from COVID-19?**

Not Applicable for Infrastructure Projects

**Describe who the beneficiaries of this project are perceived to be.**

*Lands within the Wood Drain Drainage District. This would include properties (and the owners of these properties), and public roads (County Roads) within the Drainage District.*

**Is this a new project or an expansion of an existing project? If existing, please explain the purpose of the expansion.**

*This is maintenance of an existing drainage system, by replacing a section of 10" pipe that is over 100 years old with a new 12" High performance plastic (HPPP) pipe.*



Last updated 1/22/2023

**Describe the structure of the program (i.e. what is the flow of the funding, are there any contractors/subrecipients/beneficiaries?)** (see Appendix C for information on non-Federal entities)

*The Michigan Drain Code (Act 40 of the Public Acts of 1956, as amended), is the governing law for Drains in the State of Michigan. It dictates the structure improvement of established county drains. In this case, the project will be done in the summer of 2023 using Livingston County Drain Commissioner staff, as the scope of the work is within our capabilities and the work will be more cost-effective based on bids received for comparably sized pipe.*

**Will this project involve capital expenses?**

Yes ☒

No ☐

Describe how the investment creates a lasting impact to improve economic, environmental, social and health outcomes for residents.

**The section of the Wood Drain to be replaced was installed in 1912 and has facilitated 100 years of agricultural and residential land use. We anticipate the relocated section of drain to last a for a comparable time period facilitating current land uses.**

Describe how this project will leverage funds from other public, private, and non-profit sources. (if applicable)

**ARPA funds are to provide approximately half of the project cost. Remaining funds will be assessed to the Drainage District in accordance with the Michigan Drain Code, Act 40 of the Public Acts of 1956, as amended. This will include apportionments to properties, Cohoctah Township, and Livingston County.**

Describe the financial sustainability plan for the years beyond County funding. (if applicable)

**MCL 280.196 (Section 196 of the Michigan Drain Code) addresses maintenance parameters for county drains under the Michigan Drain Code. Necessary maintenance will be assessed to the drainage district by law as has been historically done.**

### **Accountability Measures**

What are the performance indicators (inputs, outputs, outcomes) that the project would track to measure impact?

**Work orders for drain maintenance, when compared against historical maintenance within the area work is proposed, would help establish the success or failure of the repairs. Work performed by lowest responsive and responsible bidder will be inspected by Livingston County Drain Commissioner staff. Work orders on this drain will be tracked through a program called Cityworks.**

Describe the internal controls (e.g., process documentation, procurement) that will be used to ensure use of funds is consistent with SLFRF guidance. Who will be responsible for data collection, compliance, and reporting for this project?



Last updated 1/22/2023

**The Drain Commissioner is the chief executive officer for the Drain, per the Michigan Drain Code, Act 40 of the Public Acts of 1956, as amended. As such, Brian Jonckheere (the elected Drain Commissioner) is formally responsible for maintaining compliance with internal controls outlined in the Michigan Drain Code. Timesheets for staff and project materials are reviewed by the Field Supervisor prior to being entered by our accounting personnel, and expenses are approved by the Chief Deputy Drain Commissioner.**

For projects addressing negative economic impacts and serving impacted or disproportionately impacted communities, as defined in the Final Rule ([see Appendices A and B](#)).

Does the project target any populations, demographics, and/or geographic regions presumed to be *impacted* by COVID-19?

**Not applicable for infrastructure projects.**

- (a) Would the eligibility requirements for the program or service be such that the primary intended beneficiaries' income is (1) at or below 300 percent of the Federal Poverty Guidelines, or (2) at or below 65 percent of the AMI for Livingston County?

**Not applicable for infrastructure projects.**

- (b) Does the project target individuals eligible for any of the qualifying federal programs listed in Appendix B, number 2?

**Not applicable for infrastructure projects.**

Does the project target any populations, demographics, and/or geographic regions presumed to be *disproportionately impacted* by COVID-19?

**Not applicable for infrastructure projects.**

- (c) Would the eligibility requirements for the program or service be such that the primary intended beneficiaries' income is (1) at or below 185 percent of the Federal Poverty Guidelines, or (2) at or below 40 percent of the AMI for Livingston County?

**Not applicable for infrastructure projects.**

- (d) Does the project target individuals eligible for any of the qualifying federal programs listed in Appendix C, number 2?

**Not applicable for infrastructure projects.**



Last updated 1/22/2023

## Appendix A: Guidelines for Identifying *Impacted* Households or Communities

Based on the SLFRF Final Rule, recipients may presume that an individual, household, or community was impacted by the pandemic and eligible for the associated services enumerated in the rule if any of the following criteria are met:

1. The primary intended beneficiaries' income<sup>1</sup> is at or below 65 percent of Livingston County's Area Median Income or at or below 300 percent of the Federal Poverty Guidelines.<sup>2</sup>

Size of household	Moderate income		
	65% AMI	300% FPG	Threshold
1	45,435	38,640	38,640
2	51,935	52,260	52,260
3	58,435	65,880	65,880
4	64,870	79,500	79,500
5	70,070	93,120	93,120
6	75,270	106,740	106,740
7	80,470	120,360	120,360
8	85,670	133,980	133,980

2. The primary intended beneficiaries are eligible for any of the following federal programs:
  - a. Children's Health Insurance Program (CHIP)
  - b. Childcare Subsidies through the Child Care and Development Fund (CCDF) Program
  - c. Medicaid
  - d. National Housing Trust Fund (HTF), for affordable housing programs only
  - e. Home Investment Partnerships Program (HOME), for affordable housing programs only

<sup>1</sup> "Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community." Overview of the Final Rule, p. 17. <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>

<sup>2</sup> Thresholds from the U.S. Treasury's Tool for Determining Low and Moderate Income (LMI) Households. Last updated February 2022. <https://home.treasury.gov/system/files/136/SLFRF-LMI-tool.xlsx>



Last updated 1/22/2023

## Appendix B: Guidelines for Identifying *Disproportionately Impacted* Households or Communities

Based on the SLFRF Final Rule, recipients may presume that an individual, household, or community was disproportionately impacted by the pandemic and eligible for the associated services enumerated in the rule if any of the following criteria are met:

1. The primary intended beneficiaries' income<sup>3</sup> is at or below 40 percent of Muskegon County's Area Median Income or at or below 185 percent of the Federal Poverty Guidelines.<sup>4</sup>

Size of household	Low income		
	40% AMI	185% FPG	Threshold
1	27,960	23,828	27,960
2	31,960	32,227	32,227
3	35,960	40,626	40,626
4	39,920	49,025	49,025
5	43,120	57,424	57,424
6	46,320	65,823	65,823
7	49,520	74,222	74,222
8	52,720	82,621	82,621

2. The primary intended beneficiaries are eligible for any of the following federal programs:
  - a. Temporary Assistance for Needy Families (TANF)
  - b. Supplemental Nutrition Assistance Program (SNAP)
  - c. Free and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs
  - d. Medicare Part D Low-income Subsidies Supplemental Security Income (SSI)
  - e. Subsidies Supplemental Security Income (SSI)
  - f. Head Start and/or Early Head Start
  - g. Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
  - h. Section 8 Vouchers
  - i. Low-Income Home Energy Assistance Program (LIHEAP)
  - j. Pell Grants

<sup>3</sup> "Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community." Overview of the Final Rule, p. 19. <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>

<sup>4</sup> Thresholds from the U.S. Treasury's Tool for Determining Low and Moderate Income (LMI) Households. Last updated February 2022. <https://home.treasury.gov/system/files/136/SLFRF-LMI-tool.xlsx>



Last updated 1/22/2023

3. The primary intended beneficiaries live in a Qualified Census Tract (QCT) (Low-Income Housing Tax Credit Qualified Census Tracts must have 50 percent of households with incomes below 60 percent of the Area Median Gross Income (AMGI) or have a poverty rate of 25 percent or more.) **Note – there are no QCTs in Livingston County, MI** (<https://www.huduser.gov/portal/datasets/qct.html#2022>)





Last updated 1/22/2023

## Appendix C: Non-Federal Entities

The Local Fiscal Recovery Funds are subject to 2 C.F.R. Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance"). Uniform Guidance provide recipients of federal grants a set of standards related to procurement, internal controls, subrecipient monitoring, auditing practices, and more.

A key part of compliance with Uniform Guidance is subrecipient monitoring. As part of administering SLFRF, it is critical that non-Federal entities<sup>5</sup> are properly identified. Appropriate classification is important as it impacts procurement and subrecipient monitoring requirements. If you are unsure of a non-Federal entity's classification, please contact Guidehouse for additional resources.

In determining whether an agreement between the County and a non-Federal entity casts the latter as a subrecipient, contractor, or beneficiary, the substance of the relationship is more important than the form of the agreement. *All of the characteristics listed below may not be present in all cases, and the County must use judgment in classifying each agreement as a subaward or a procurement contract.*

The three classifications of recipients are as follows:

**Subrecipient:** A subaward for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship. Characteristics include:

- (1) Determines who is eligible to receive Federal assistance;
- (2) Has its performance measured in relation to whether objectives of a federal program were met;
- (3) Has responsibility of programmatic decision-making;
- (4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; **and**
- (5) In accordance with it's agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the [County].<sup>6</sup>

**Contractor:** A contract is for the purpose of obtaining goods and service for the non-Federal entity's own use and creates a procurement relationship. Characteristics include:

- (1) Provides the goods and services within normal business operations;
  - (2) Provides similar goods or services to many different purchasers;
  - (3) Normally operates in a competitive environment;
  - (4) Provides goods or services that are ancillary to the operation of the Federal program;
- and**

<sup>5</sup> Note: Non-Federal entity refers to subrecipients, contractors, and beneficiaries. Final Rule generally refers to anyone receiving a payment from the County as a "subrecipient." In the Public Health and Economic Impacts sections, the Final Rule does identify eligible beneficiaries as part of the distinctions between the general public, impacted, and disproportionately impacted. In the reporting guidance and reports, all non-Federal entities are jointly referred to as "subrecipients."

<sup>6</sup> <https://www.law.cornell.edu/cfr/text/2/200.331>



Last updated 1/22/2023

- (5) Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.<sup>7</sup>

**Beneficiaries:** Households, small businesses, or nonprofits that receive assistance based on impacts of the pandemic that they experienced.<sup>8</sup> Beneficiaries are not subject to audit pursuant to the Single Audit Act and 2 C.F.R. Part 200, Subpart F.

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<sup>7</sup> <https://www.law.cornell.edu/cfr/text/2/200.331>

<sup>8</sup> <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>



Last updated 1/22/2023

## Appendix D: Capital Expenditures

The Local Fiscal Recovery Funds are subject to 2 C.F.R. Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“Uniform Guidance”). Uniform Guidance provide recipients of federal grants a set of standards related to procurement, internal controls, subrecipient monitoring, auditing practices, and more.

The SLFRF Final Rule adopts several definitions from the Uniform Guidance including for capital expenditures, capital assets, equipment, and supplies. These definitions are noted below:<sup>9</sup>

- **Capital expenditure:** Expenditure to acquire capital assets or to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life
- **Capital asset:** Tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with Generally Accepted Accounting Principles (GAAP); includes lands, facilities, equipment, and intellectual property
- **Equipment:** Tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000

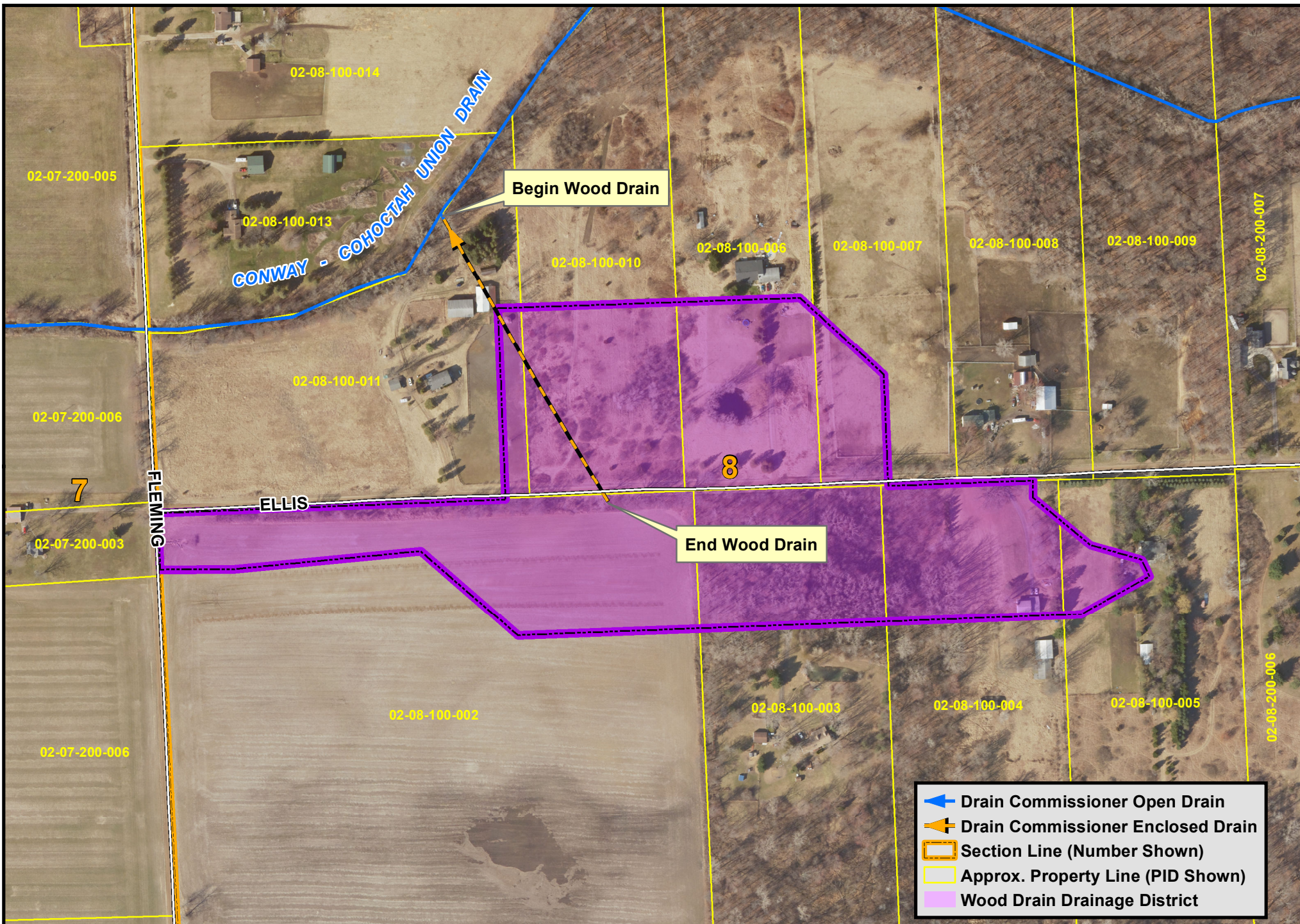
*Supplies, meaning all tangible personal property other than those included as “equipment,” are not considered capital expenditures.*

Recipients may also use SLFRF funds for pre-project development costs that are tied to or reasonably expected to lead to an eligible capital expenditure. For example, pre-project costs associated with planning and engineering for an eligible project are considered an eligible use of funds.

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<sup>9</sup> <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule.pdf>





Livingston County Drain Commissioner  
 2300 E Grand River  
 Howell, Mi. 48843  
 Orthophoto Flown 2020  
 Printed January 5, 2023

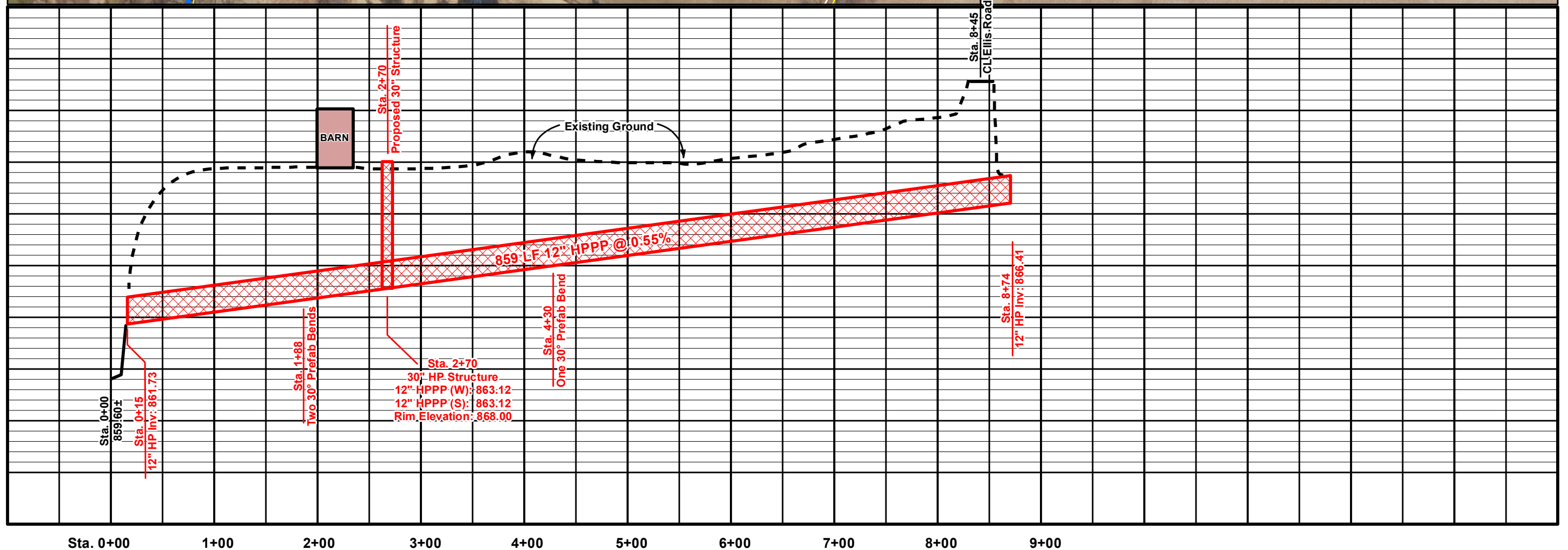
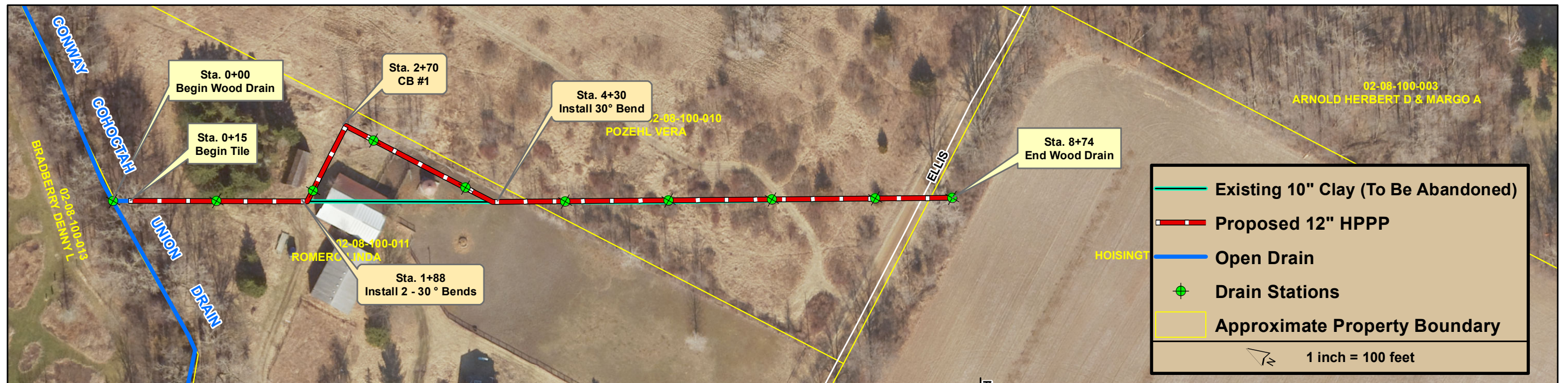
## Wood Drain Drainage District

A part of Section 8 of Cohoctah Township



1 inch = 300 feet





Livingston County Drain Commissioner  
 2300 E Grand River  
 Howell, Mi. 48843  
 517-546-0040  
[www.co.livingston.mi.us/Drain/](http://www.co.livingston.mi.us/Drain/)  
 Ortho Flown: 2020  
 Printed: February 21, 2023

## Wood Drain

### PROPOSED 12" PIPE

Agenda Page 135 of 137

				SCALE: HORIZ: 1" = 20'	
				VERT: 1" = 2'	
				DATE: 2-21-2023	
				SHEET NO. 1 of 1	
NO	BY	CK	REVISION		DATE

## GUIDEHOUSE ELIGIBILITY ASSESSMENT

<b>Project Name</b>	Wood Drain
<b>Estimated Cost</b>	\$25,000
<b>Risk Level (for non-revenue loss categories)</b>	Low
<b>LFRF Supporting Guidance</b>	<p><b><i>“Publicly and privately owned, permitted and unpermitted projects that manage, reduce, treat, or recapture stormwater or subsurface drainage water are eligible.”</i></b>  <a href="#">(Final Rule</a>, p. 276-277).</p> <p><i>“The CWSRF includes a broad range of stormwater infrastructure projects, and as such these projects were eligible under the interim final rule and continue to be eligible under the final rule. These projects include gray infrastructure projects, such as traditional pipe, storage, and treatment systems. <b>Projects that manage, reduce, treat, or recapture stormwater or subsurface drainage water are also eligible</b>, including real-time control systems for combined sewer overflow management, and sediment control.....In addition to the eligible uses under the CWSRF, Treasury is expanding the eligible uses under the final rule to include stormwater system infrastructure projects regardless of whether there is an expected water quality benefit from the project. <a href="#">(Final Rule</a>, p. 281-282).</i></p>
<b>Proposed Expenditure Category</b>	EC 5.6 Clean Water: Stormwater
<b>Disadvantaged Communities Requirement?</b>	N/A
<b>Other potential reporting requirements</b>	<ul style="list-style-type: none"> <li>• Obligations and Expenditures</li> <li>• Project Status <ul style="list-style-type: none"> <li>○ Not Started</li> <li>○ Completed less than 50 percent</li> <li>○ Completed 50 percent or more</li> <li>○ Completed</li> </ul> </li> <li>• Project Description</li> <li>• Projected/actual construction start date (month/year)</li> <li>• Projected/actual initiation of operations date (month/year)</li> <li>• Location</li> <li>• National Pollutant Discharge Elimination System (NPDES) Permit Number <i>(if applicable)</i></li> <li>• Public Water System (PWS) ID number <i>(if applicable)</i></li> <li>• Median Household Income of service area</li> <li>• Lowest Quintile Income of the service area</li> <li>• Subaward Information</li> <li>• Subrecipient/Contractor Information</li> </ul>

## Livingston County | Planning and Implementation of ARPA Projects

Date: 3/12/23

<b>Recommendations/Concerns</b>	<ul style="list-style-type: none"><li>• Be that federal procurement guidelines have been followed if the County moves forward with classifying this project under EC 5.6</li><li>• Let work on getting these reporting requirements triaged as soon as possible given it sounds like the project may have or is ready to begin.</li></ul>
<b>Additional information requests</b>	n/a