



# BOARD OF COMMISSIONERS

## AGENDA

May 7, 2018

7:30 PM

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

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

Pages

1. **CALL MEETING TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CORRESPONDENCE** 3
  - a. Antrim County Resolution #12-2018
  - b. Roscommon County Resolution dated April 25, 2018
  - c. Menominee County Resolution #2018-15
5. **CALL TO THE PUBLIC**
6. **APPROVAL OF MINUTES** 9
  - a. Minutes of Meeting Dated: April 23, 2018
  - b. Minutes of Meeting Dated: May 2, 2018
7. **TABLED ITEMS FROM PREVIOUS MEETINGS**
8. **APPROVAL OF AGENDA**
9. **REPORTS**
10. **APPROVAL OF CONSENT AGENDA ITEMS**

Resolutions 2018-05-087 through 2018-05-093

  - a. **2018-05-087** 15

Resolution to approve the FY 2017-2018 Hazardous Materials Emergency Preparedness (HMEP) Grant Program Award Agreement - Emergency Management

<b>b.</b>	<b>2018-05-088</b>	<b>28</b>
	Resolution to Adopt the Livingston County Emergency Operations Plan (EOP) – Emergency Management	
<b>c.</b>	<b>2018-05-089</b>	<b>30</b>
	Resolution Authorizing an Agreement with Government Payment Service to Provide Credit Card Bond Payments Services - Sheriff-Jail	
<b>d.</b>	<b>2018-05-090</b>	<b>37</b>
	Resolution Authorizing an Agreement with CC Sports to Provide Two Loaner Sea-Doos - Sheriff	
<b>e.</b>	<b>2018-05-091</b>	<b>39</b>
	Resolution Authorizing the Livingston County Board of Commissioners to Sign on to the Stepping Up Initiative - Sheriff	
<b>f.</b>	<b>2018-05-092</b>	<b>50</b>
	Resolution Authorizing a Transfer from F367 to General Fund and an Additional Contribution to MERS - Administration	
<b>g.</b>	<b>2018-05-093</b>	<b>51</b>
	Resolution Authorizing Livingston County's Annual Budget Process and Calendar for 2019 - Administration	

# **11. RESOLUTIONS FOR CONSIDERATION**

Resolutions 2018-05-094 through 2018-05-096

<b>a.</b>	<b>2018-05-094</b>	<b>56</b>
	Resolution Recognizing the Observance of National Corrections Officer Week, May 6, 2018 thru May 12, 2018 - Sheriff	
<b>b.</b>	<b>2018-05-095</b>	<b>58</b>
	Resolution Recognizing the Observance of National Police Week, May 13, 2018 thru May 19, 2018 - Sheriff	
<b>c.</b>	<b>2018-05-096</b>	<b>60</b>
	Resolution Approving Appointments to the Livingston County Parks &Open Space Advisory Committee - Board of Commissioners	

# **12. CALL TO THE PUBLIC**

# **13. ADJOURNMENT**



April 19, 2018

At the April 12, 2018 meeting of the Antrim County Board of Commissioners, the following Resolution was offered:

**RESOLUTION #12-2018** By Christian Marcus, seconded by Scott Kruger

**OPPOSING AMENDATORY LEGISLATION TO MICHIGAN PUBLIC ACT 93-2013**

**WHEREAS**, Michigan Public Act 93 of 2013 created Michigan Indigent Defense Commission (MIDC), authorized the MIDC to establish minimum standards for the provision of indigent defense services, mandated compliance plans from all Michigan counties by November 20, 2017 to address the first four indigent defense standards, and mandated that any additional costs required to implement these minimum standards be paid by the state; and

**WHEREAS**, Antrim County developed a mandatory compliance plan for implementing the first four indigent defense standards and submitted this plan to the MIDC by the November 20, 2017 deadline, and

**WHEREAS**, Governor Rick Snyder has now proposed a FY 19 budget for the State of Michigan, which includes insufficient funding to pay the additional indigent defense expenses that are anticipated in association with implementation of the first four indigent defense minimum standards, as required by Michigan Public Act 93 of 2013; and

**WHEREAS**, realizing state funding as currently proposed is insufficient and in violation of Michigan Public Act 93 of 2013, the Governor has further proposed amendatory legislation, "to clarify and improve" Michigan Public Act 93 of 2013, which include, among other things, establishing a new minimum local share of indigent defense costs to \$7.25 per capita and requiring that 90 percent of the revenue now collected by counties from partially indigent defendants be remitted to the state to support statewide system costs; and

**WHEREAS**, it has been determined that the proposed amendatory changes to Michigan Public Act 93 of 2013 would result in an increase in expenses to Antrim County to provide indigent defense services in compliance with the first four standards, and

**THEREFORE BE IT RESOLVED**, the Antrim County Board of Commissioners hereby opposes any amendatory legislation to Michigan Public Act 93 of 2013 that would reduce or eliminate the State of Michigan's fiduciary responsibility to pay any and all additional costs required to implement the minimum indigent defense standards, as presently legislated.

**RESOLUTION #12-2018 continued.**

**BE IT FURTHER RESOLVED**, the Antrim County Board of Commissioners remains committed to implementing the new minimum indigent defense standards as mandated by the MIDC, so long as the State of Michigan remains true to its original commitment to pay for any additional costs necessary for their implementation.

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

Yes – David Heeres, Melissa Zelenak, Karen Bargy, Ed Boettcher, Bryan Smith, Dawn LaVanway, Scott Kruger, Christian Marcus;

No - None;

Absent – Brenda Ricksgers.

**RESOLUTION #12-2018 DECLARED ADOPTED.**

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

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

this 19<sup>th</sup> day of April, 20 18  
Sheryl A. Guy County Clerk



On April 25, 2018 at a regular meeting of the Roscommon County Board of Commissioners, held at the Roscommon County Administration Building located at 500 Lake Street, Roscommon, Michigan the following **“RESOLUTION OF OPPOSITION TO AMENDATORY LEGISLATION TO MICHIGAN PUBLIC ACT 93 OF 2013”** was unanimously accepted and supported by the Roscommon County Commissioners:

**PRESENT:** Robert E. Schneider, Ken Melvin, Marc J. Milburn, Gary Stefanko and David Russo.

**ABSENT:** None

The following preamble and resolution were offered by Commissioner Stefanko and supported by Commissioner Milburn.

**RESOLUTION OF OPPOSITION TO AMENDATORY LEGISLATION TO  
MICHIGAN PUBLIC ACT 93 OF 2013**

**WHEREAS**, Michigan Public Act 93 of 2013 created the Michigan Indigent Defense Commission (MIDC), authorized the MIDC to establish minimum standards for the provisions of indigent defense services, mandated compliance plans from all Michigan counties by November 20, 2017 to address the first four indigent defense standards, and mandated that any additional costs required to implement these minimum standards be paid by the state; and

**WHEREAS**, Roscommon County has developed a mandatory compliance plan for implementing the first four indigent defense standards and submitted this plan to the MIDC by the November 20, 2017 deadline; and

**WHEREAS**, Governor Rick Snyder has now proposed a FY19 budget for the state of Michigan, which includes insufficient funding to pay the additional indigent defense expenses that are anticipated in association with implementation of the first four indigent defense minimum standards, as required by Michigan Public Act 93 of 2013; and

**WHEREAS**, realizing state funding as currently proposed is insufficient and in violation of Michigan Public Act 93 of 2013, the Governor has further proposed amendatory legislation, “to clarify and improve” Michigan Public Act 93 of 2013, which include, among other things, establishing a new minimum local share of indigent defense costs to \$7.25 per capita and requiring that 90 percent of the revenue now collected by counties from partially indigent defendants be remitted to the state to support statewide system costs; and

**WHEREAS**, it has been determined that the proposed amendatory changes to Michigan Public Act 93 of 2013 would result in an absorbent increase in expenses to Roscommon County to provide indigent services in compliance with the first four standards; and

**THEREFORE BE IT RESOLVED**, the Roscommon County Board of Commissioners hereby opposes any amendatory legislation to Michigan Public Act 93 of 2013 that would reduce or eliminate the state of Michigan’s fiduciary responsibility to pay any and all additional costs required to implement the minimum indigent defense standards, as presently legislated; and

**BE IT FURTHER RESOLVED**, the Roscommon County Board of Commissioner's remains committed to implementing the new indigent defense standards as mandated by the MIDC, so long as the state of Michigan remains true to its original commitment to pay for any additional costs necessary for their implementation.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to Governor Rick Snyder, State Representative Daire Rendon, State Senator Darwin Booher, the Michigan Association of Counties, and the other 82 counties.

A Roll Call Vote was taken as follows:

AYES: Schneider, Melvin, Milburn, Stefanko, Russo

NAYS: None

Resolution Declared Adopted

  
\_\_\_\_\_  
Robert E. Schneider, Chairman, Roscommon County Board of Commissioners

  
\_\_\_\_\_  
Michelle M. Stevenson, Roscommon County Register of Deeds/County Clerk

STATE OF MICHIGAN            )  
  ) ss.  
COUNTY OF ROSCOMMON )

I hereby certify that the foregoing is a true and complete copy of "Resolution of Opposition to Amendatory Legislation to Michigan Public Act 93 of 2013" adopted by the County Board of Commissioners of Roscommon County at a regular meeting held April 25, 2018, and I further certify that public notice of such meeting was given as provided by law.

  
\_\_\_\_\_  
Michelle M. Stevenson, Roscommon County Register of Deeds/County Clerk

## MENOMINEE COUNTY BOARD OF COMMISSIONERS

*Menominee County Courthouse  
839 10<sup>th</sup> Avenue  
Menominee, MI 49858*

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

### **RESOLUTION NO. 2018-15**

#### **OPPOSING AMENDATORY LEGISLATION TO MICHIGAN PUBLIC ACT 93 OF 2013**

**WHEREAS**, Michigan Public Act 93 of 2013 created the Michigan Indigent Defense Commission (MID C), authorized the MIDC to establish minimum standards for the provision of indigent defense services, mandated compliance plans from all Michigan counties by November 20, 2017 to address the first four indigent defense standards, and mandated that any additional costs required to implement these minimum standards be paid by the state; and

**WHEREAS**, Menominee County developed a mandatory compliance plan for implementing the first four indigent defense standards and submitted this plan to the MIDC by the November 20, 2017 deadline, and

**WHEREAS**, Governor Rick Snyder has now proposed a FY19 budget for the state of Michigan, which includes insufficient funding to pay the additional indigent defense expenses that are anticipated in association with implementation of the first four indigent defense minimum standards, as required by Michigan Public Act 93 of 2013; and

**WHEREAS**, realizing state funding as currently proposed is insufficient and in violation of Michigan Public Act 93 of 2013, the Governor has further proposed amendatory legislation, "to clarify and improve" Michigan Public Act 93 of 2013, which include, among other things, establishing a new minimum local share of indigent defense costs to \$7.25 per capita and requiring that 90 percent of the revenue now collected by counties from partially indigent defendants be remitted to the state to support statewide system costs; and

**WHEREAS**, it has been determined that the proposed amendatory changes to Michigan Public Act 93 of 2013 would result in an increase in expenses to Menominee County to provide indigent defense services in compliance with the first four standards, and

**THEREFORE BE IT RESOLVED**, the Menominee County Board of Commissioners **hereby opposes** any amendatory legislation to Michigan Public Act 93 of 2013 that would reduce or eliminate the state of Michigan's fiduciary responsibility to pay any and all additional costs required to implement the minimum indigent defense standards, as presently legislated.

**BE IT FURTHER RESOLVED**, the Menominee County Board of Commissioners remains committed to implementing the new minimum indigent defense standards as mandated by the MIDC, so long as the state of Michigan remains true to its original commitment to pay for any additional costs necessary for their implementation.

*Steven Gromala*

*Gerald Piche – Chairperson*

*William Cech – Vice Chairperson*

*Larry Phelps*

*John Nelson*

*Jan Hafeman*

*Charlie Meintz*  
Agenda Page 7 of 60

*Bernie Lang*

*Larry Schei*

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to Governor Snyder, Senator Stabenow, State Representative LaFave, the Michigan Association of Counties, and the other 82 counties.

**A ROLL CALL VOTE WAS TAKEN AS FOLLOWS:**

AYES: COM. William Cech, Steven Gromala, Bernie Lang, Jan Hafeman, Charlie Meintz  
John Nelson, Larry Phelps, Gerald Piche and Larry Schei

NAYS: None.

**RESOLUTION DECLARED ADOPTED**



Gerald Piche, Chairman,  
Menominee County Board of Commissioners



Marc Kleiman, County Clerk

STATE OF MICHIGAN                    )  
  ) ss  
COUNTY OF MENOMINEE )

I hereby certify that the foregoing is a true and complete copy of Resolution 2018-15 adopted by the County Board of Commissioners of Menominee County at a regular meeting held on April 24, 2018, and I further certify that public notice of such meeting was given as provided by law.



Marc Kleiman, County Clerk

## **LIVINGSTON COUNTY BOARD OF COMMISSIONERS**

### **MEETING MINUTES**

April 23, 2018, 7:30 p.m.

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

Members present: D. Parker, C. Griffith, D. Dolan, G. Childs, K. Lawrence, W. Green, D. Domas,  
D. Helzerman

Members absent: R. Bezotte

#### **1. CALL MEETING TO ORDER**

The meeting was called to order by the Chairperson, Donald Parker at 7:33 p.m.

#### **2. PLEDGE OF ALLEGIANCE**

All rose for the Pledge of Allegiance.

#### **3. ROLL CALL**

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

#### **4. CORRESPONDENCE**

None.

#### **5. CALL TO THE PUBLIC**

Ron Kardos, Crossroads Sierra Club, spoke regarding a February 21, 2018, Planning Commission meeting and providing one spokesperson for the Crossroads Sierra Club at community meetings.

Alex Hanson, Howell Township, thanked the Board for their discussion at the earlier Opioid Abuse Advisory Committee meeting and supports the Board in joining a federal lawsuit.

Mike Tipton, Howell Township, also thanked the Board for their productive discussion at the earlier Opioid Abuse Advisory Committee meeting and supports the Board in joining a federal lawsuit. Mr. Tipton also spoke regarding his background in power plants and the proposed power plant for Handy Township.

#### **6. APPROVAL OF MINUTES**

1. Minutes of Meeting Dated: April 10, 2018
2. Closed Session Minutes Date: April 10, 2018
3. Minutes of Meeting Dated: April 18, 2018

Motion to approve the minutes as presented.

It was moved by G. Childs  
Seconded by C. Griffith

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

#### **7. TABLED ITEMS FROM PREVIOUS MEETINGS**

None.

#### **8. APPROVAL OF AGENDA**

Motion to approve the Agenda as presented.

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

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

**9. REPORTS**

Commissioner Helzerman requested feedback from the community regarding the videotaping of the Board of Commissioners meetings.

Commissioner Domas remarked that Commissioner Bezotte is attending a funeral in Arizona.

**10. APPROVAL OF CONSENT AGENDA ITEMS**

Resolutions 2018-04-70 through 2018-04-083

Motion to adopt the Resolutions included in the Consent Agenda.

It was moved by W. Green

Seconded by D. Helzerman

Roll Call Vote: Yes (8): D. Parker, D. Dolan, K. Lawrence, W. Green, D. Domas, D. Helzerman, C. Griffith, and G. Childs; No: (0); Absent (1): Bezotte

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

**10.a 2018-04-070**

Resolution Authorizing an Agreement with JSG Monitoring to Provide Electronic Monitoring Services - District Court

**10.b 2018-04-071**

Resolution to Accept the Annual Out-of-State Travel Report for 2017 - Administration

**10.c 2018-04-072**

Resolution Authorizing an Agreement with Key Development Center Inc. for Female Project Opiate Group Therapy Services in the Livingston County Jail - District Court

**10.d 2018-04-073**

Resolution Authorizing a Contract for East Complex Back Wall Repair to Envision Builders – Facility Services

**10.e 2018-04-074**

Resolution Authorizing Capital Expenditure for One (1) Vehicle and Supplemental Appropriation – Motor Pool / Building Department

**10.f 2018-04-075**

Resolution Amending Resolution 2017-08-148 Authorizing an Agreement with SoundQue Multimedia to Provide Video Recording Services for Livingston County Board of Commissioners' Meetings - Board of Commissioners

**10.g 2018-04-076**

Resolution Authorizing an Agreement with Cruisers, Inc. to Provide Equipment Installation and Removal Services for Transit Vehicles – Car Pool

**10.h 2018-04-077**

Resolution Authorizing the Reclassification of an Application Developer to Enterprise Resource Planning Administrator Position – Information Technology



**10.i 2018-04-078**

Resolution Approving the Creation of a Pooled Medical Examiner Investigator Position for the Medical Examiner Department

**10.j 2018-04-079**

Resolution Authorizing the Write Off of Aged Receivables – Emergency Medical Services

**10.k 2018-04-080**

Resolution Authorizing a Budget Amendment to the Fiscal-Year 2018 Budget that Includes Funds to Cover Out of State Travel - Health Department

**10.l 2018-04-081**

Resolution to Amend the County Employee Business Expense Policy for Livingston County - Administration

**10.m 2018-04-082**

Resolution to Adopt an Updated Policy for Use of County Facilities by Non-County Organizations - Administration

**10.n 2018-04-083**

Resolution Authorizing a First Quarter Supplemental Appropriation to the Fiscal Year 2018 Budget - Administration

**11. RESOLUTIONS FOR CONSIDERATION**

Resolutions 2018-04-084 through 2018-04-086

**11.a 2018-04-084**

Resolution to Amend Resolution 2018-01-005 Establishing a Retirement Plan Advisory Committee - Administration

Motion to adopt the Resolution.

It was moved by C. Griffith  
Seconded by G. Childs

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

**11.b 2018-04-085**

Resolution Authorizing an Agreement with Aecom Great Lakes, Inc. to Provide Consulting Services for Livingston County Transit Master Plan – L.E.T.S

Motion to adopt the Resolution.

It was moved by G. Childs  
Seconded by K. Lawrence

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

**11.c      2018-04-086**

Resolution Approving Appointments to the Livingston County Solid Waste Management Committee - Board of Commissioners

Motion to adopt the Resolution.

It was moved by C. Griffith

Seconded by D. Dolan

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

**12.      CALL TO THE PUBLIC**

Casey Helton, Democratic candidate for Board of Commissioners, stated her support for continuing to videotape the Board of Commissioners' meetings.

Judith Minton, Democratic candidate for Howell Township Trustee, also echoed her support for continuing to videotape the Board of Commissioners' meetings.

**13.      ADJOURNMENT**

Motion to adjourn the meeting at 7:47 p.m.

It was moved by D. Helzerman

Seconded by W. Green

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

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Elizabeth Hundley, Livingston County Clerk

# LIVINGSTON COUNTY BOARD OF COMMISSIONERS

## MEETING MINUTES

May 2, 2018  
IMMEDIATELY FOLLOWING THE FINANCE COMMITTEE  
304 E. Grand River, Board Chambers, Howell MI 48843

Members Present	D. Parker, K. Lawrence , W. Green , D. Domas, D. Helzerman, R. Bezotte, C. Griffith, G. Childs
Members Absent	D. Dolan

### 1. CALL MEETING TO ORDER

The meeting was call to order by Commissioner Parker at 9:11 a.m.

### 2. PLEDGE OF ALLEGIANCE

All rose for the Pledge of Allegiance.

### 3. ROLL CALL

Indicated the presence of a quorum.

### 4. CALL TO THE PUBLIC

None.

### 5. APPROVAL OF AGENDA

Motion to approve the agenda as amended.

**Moved By** G. Childs

**Seconded By** K. Lawrence

Yes (8): D. Parker, K. Lawrence , W. Green , D. Domas, D. Helzerman, R. Bezotte, C. Griffith, and G. Childs; No (0);  
Absent (1): D. Dolan

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

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

Dated: May 2, 2018

Motion to approve the Claims.

**Moved By** W. Green

**Seconded By** G. Childs

Yes (8): D. Parker, K. Lawrence , W. Green , D. Domas, D. Helzerman, R. Bezotte, C. Griffith, and G. Childs; No (0);  
Absent (1): D. Dolan

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

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

Dated: 4-19-2018 through 5-2-2018

Motion to approve the Payables.

**Moved By** R. Bezotte

**Seconded By** G. Childs

Yes (8): D. Parker, K. Lawrence , W. Green , D. Domas, D. Helzerman, R. Bezotte, C. Griffith, and G. Childs; No (0);  
Absent (1): D. Dolan

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

**8. CALL TO THE PUBLIC**

None.

**9. ADJOURNMENT**

Motion to adjourn the meeting at 9:13 a.m.

**Moved By** D. Helzerman

**Seconded By** C. Griffith

Yes (8): D. Parker, K. Lawrence , W. Green , D. Domas, D. Helzerman, R. Bezotte, C. Griffith, and G. Childs; No (0);  
Absent (1): D. Dolan

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

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Elizabeth Hundley, Livingston County Clerk

**RESOLUTION**

**NO: 2018-05-087**

**LIVINGSTON COUNTY**

**DATE: May 7, 2018**

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**Resolution to approve the FY 2017-2018 Hazardous Materials Emergency Preparedness (HMEP) Grant Program Award Agreement - Emergency Management**

**WHEREAS,** Livingston County Emergency Management Department has applied for and received a federal grant award for the FY 2017-2018 Hazardous Materials Emergency Preparedness Grant Program (HMEP) for Livingston County to support the Local Emergency Planning Committee (LEPC); and

**WHEREAS,** the amount of that federal grant award is \$2,750.00 with a required 25% match by Livingston Co. in the amount of \$687.50 dollars and that match cannot be supported by using employee time covered by another grant program but can be done through other means; and

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

**WHEREAS,** the grant agreement and instructions will be provided to Livingston County legal counsel for review as to form; and,

**THEREFORE BE IT RESOLVED,** that the Livingston County Board of Commissioners hereby approves this Resolution to approve the FY 2017-2018 Hazardous Materials Emergency Preparedness Grant Program Award Agreement,

**THEREFORE, BE IT FURTHER RESOLVED,** that the Chair of the Livingston County Board of Commissioners is authorized to sign the FY 2017-2018 Hazardous Materials Emergency Preparedness Grant Program (HMEP) Agreement after review by legal counsel,

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

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

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**THEREFORE, BE IT FURTHER RESOLVED** the Livingston County Board authorizes allowable program expenditures as needed by the Emergency Management Department and the Livingston County Local Emergency Planning Committee up to the \$2,750.00 FY 2017-2018 Hazardous Materials Emergency Preparedness (HMEP) Grant award.

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MOVED:  
SECONDED:  
CARRIED:





STATE OF MICHIGAN  
DEPARTMENT OF STATE POLICE  
LANSING

RICK SNYDER  
GOVERNOR

COL. KRISTE KIBBEY ETUE  
DIRECTOR

April 2, 2018

Mr. Jeffrey Boyd  
Emergency Management Coordinator  
Livingston County  
1911 Tooley Rd.  
Howell, MI 48843

Dear Mr. Boyd:

Enclosed is the FY 2017-18 Hazardous Materials Emergency Preparedness (HMEP) Planning Program Grant Agreement package for Livingston County. Please return the required grant documentation listed on the enclosed *Subgrantee Checklist* to our office at the following address:

Attention: Ms. Sara Long  
Emergency Management and Homeland Security Division  
Michigan Department of State Police  
P.O. Box 30634  
Lansing, MI 48909

Additional information on the FY 2017-18 HMEP Grant Program can be found at [www.phmsa.dot.gov/hazmat/grants](http://www.phmsa.dot.gov/hazmat/grants).

This grant agreement and all required documentation must be completed, signed, and returned **no later than June 2, 2018**. If this requirement is not met, this grant agreement will be invalid after **June 2, 2018** unless a prior written exception is provided by the Michigan Department of State Police, Emergency Management and Homeland Security Division.

If you have any questions regarding this correspondence or the FY 2017-18 HMEP Planning Grant Program, please contact Ms. Brenna Hartner at [HartnerB@michigan.gov](mailto:HartnerB@michigan.gov) or 517-284-3727.

Sincerely,

Capt. Chris A. Kelenske, Commander  
Deputy State Director of Emergency Management  
and Homeland Security

Enclosures (12)  
cc: Ms. Therese Cremonte  
Lt. Richard Martin

Michigan State Police

Emergency Management and  
Homeland Security Division



## Grant Agreement

### FEDERAL AWARD IDENTIFICATION

SUBRECIPIENT NAME	GRANT NAME	CFDA NUMBER
Livingston County	Hazardous Materials Emergency Preparedness Grant Program	20.703
SUBRECIPIENT IRS/VENDOR NUMBER	FEDERAL AWARD IDENTIFICATION NUMBER (FAIN)	FEDERAL AWARD DATE
38-6005819	HM-HMP-0558-16-01-00	09/19/2017
SUBRECIPIENT DUNS NUMBER	SUBAWARD PERFORMANCE PERIOD	FROM TO
44797926		10/01/2017 09/30/2018
RESEARCH & DEVELOPMENT	Funding	Total
N/A	Federal Funds Obligated by this Action	\$2750
INDIRECT COST RATE	Total Federal Funds Obligated to Subrecipient	\$2750
None on file	Total Amount of Federal Award	\$294,493
FEDERAL AWARD PROJECT DESCRIPTION		
FY 2017-18 Hazardous Materials Emergency Preparedness Planning Program Grant		
DETAILS		
The Subrecipient must be prepared to match all funds received through this contract (which equates to 25% of any federal funds received), as noted in Section III, D of the <i>Hazardous Materials Emergency Preparedness Planning Grant Instructions</i> that are included with this grant agreement. The match amount is located in part III.A of this grant agreement.		
FEDERAL AWARDDING AGENCY	PASS-THROUGH ENTITY (RECIPIENT) NAME	
U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration 1200 New Jersey Avenue, SE, E21-316 Washington DC 20590-0001	Michigan State Police Emergency Management & Homeland Security Division P.O. Box 30634 Lansing, MI 48909	

# State of Michigan Fiscal Year 2017-18 Hazardous Materials Emergency Preparedness Planning Program Grant Agreement

October 1, 2017 to September 18, 2018

CFDA Number: 20.703 Grant Number: HM-HMP-0558-16-01-00
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This Fiscal Year (FY) 2017-18 Hazardous Materials Emergency Preparedness (HMEP) Planning Program grant agreement is hereby entered into between the Michigan Department of State Police, Emergency Management and Homeland Security Division (hereinafter called the Recipient), and the

**LIVINGSTON**  
(hereinafter called the Subrecipient)

## I. Purpose

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

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

## II. Statutory Authority

Funding for the FY 2017-18 HMEP is authorized by the U.S. Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Federal Hazardous Materials Transportation Law (49 U.S.C. Section 5101 et. seq.).

The Subrecipient agrees to comply with all FY 2017-18 HMEP program requirements and the most recent version of:

- A. 2 CFR, Part 200 of the Code of Federal Regulations (CFR), *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* located at <http://www.ecfr.gov>.
- B. 49 CFR, Part 110 *Hazardous Materials Public Sector Training and Planning Grants*.
- C. 49 U.S.C. 5116 et seq. located at <https://www.gpo.gov/fdsys>.
- D. Any other applicable Federal statutes and regulations, including, but not limited to the following:
  - 1. The Recipient must comply with 49 CFR Part 20, "New Restrictions on Lobbying." 49 CFR Part 20 is incorporated by reference in this award. 49 CFR Part 20 is available at [www.gpoaccess.gov/ecfr/](http://www.gpoaccess.gov/ecfr/) by clicking on Title 49 CFR Part 20.
  - 2. The Recipient must comply with Title VI of the Civil Right Act of 1964, which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.
  - 3. The Recipient must comply with 49 CFR Part 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964." 49 CFR Part 21 is incorporated by reference into this award. 49 CFR Part 21 is available at: [www.gpoaccess.gov/ecfr/](http://www.gpoaccess.gov/ecfr/) by clicking on Title 49 CFR part 21.

4. The Recipient must comply with 49 CFR part 32, "Government-wide Requirements for Drug- Free Workplace (Financial Assistance)," which implements the requirements of Public Law 100-690, Title Subtitle D, "Drug-Free Workplace Act of 1988." 49 CFR Part 32 is incorporated by reference in this award. 49 CFR Part 32 is available at: [www.gpoaccess.gov/ecfr/](http://www.gpoaccess.gov/ecfr/) by clicking on Title 49 CFR Part 32.

No term or condition of this award is intended to require the Subrecipient to violate any applicable Federal, State, Territorial or Tribal law.

### III. Award Amount and Restrictions

- A. The **Livingston** is awarded up to **\$2750** under the FY 2017-18 HMEP Planning Program Grant Agreement. This funding will be awarded as described in *Hazardous Materials Emergency Preparedness Planning Grant Instructions* enclosed within this grant agreement packet and is based on information provided in the HMEP grant application submitted for the FY 2017-18 grant year by **Livingston**. This allocation is dependent upon the level of federal funding and may be reduced if available federal funding is reduced or if fewer plans are submitted based on the FY 2017-18 application for **Livingston**. Any unused grant funds remaining at the end of the grant year will be used to increase the reimbursement for accepted new SARA Title III plans submitted by participating Local Emergency Planning Committees (LEPCs). The Subrecipient's payment per new plan will be recalculated using these funds and the award to the Subrecipient for the number of new plans submitted will be adjusted. This may affect the match amount required for this grant.

Based on the Subrecipient's application, a match amount of **\$687.5** is required. However, the Subrecipient must be prepared to match all funds received through this contract (which equates to 25% of any federal funds received), as noted in Section III, D of the *Hazardous Materials Emergency Preparedness Planning Grant Instructions* that are enclosed within this grant agreement.

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

### IV. Responsibilities of the Subrecipient

- A. **Grant funds must supplement, not supplant, state or local funds.** Federal funds must be used to supplement existing funds, not replace (supplant) funds that have been appropriated for the same purpose. Potential supplanting will be carefully reviewed in subsequent monitoring reviews and audits. The Subrecipient may be required to supply documentation certifying that it did not reduce non-federal funds because of receiving federal funds. Subrecipients may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.
- B. In addition to this grant agreement, the Subrecipient shall complete, sign, and submit to the Recipient the following documents, which are incorporated by reference into this grant agreement:
  1. HMEP Planning Grant Agreement In-Kind Match form (EMD-063)
  2. Standard Assurances
  3. Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
  4. Audit Certification (EMD-053)
  5. Request for Taxpayer Identification Number and Certification (W-9)

6. SARA Title III Hazardous Materials, Off-site Emergency Response Plan Update List. This form is located on the MSP/EMHSD website at <http://www.michigan.gov/emhsd>. The Plan Update List does not need to be completed and returned with the FY 2017-18 HMEP Planning Program grant agreement. This form is to be used if and when a list of updated plans is submitted for your grant. The Plan Update List form can be submitted directly to the SARA Title III Planner at the Michigan State Police, Emergency Management and Homeland Security Division (MSP/EMHSD) and must be submitted no later than July 2, 2018.
7. Other documents that may be required by federal or state officials
- C. The Subrecipient agrees to comply with all applicable federal and state regulations, including, but not limited to, the following:
  1. Meet the LEPC eligibility requirements, as stated in the *Hazardous Materials Emergency Preparedness Planning Grant Instructions*, Section II.
  2. Submit new SARA Title III (Section 302) community hazardous materials emergency response plans to the MSP/EMHSD District Coordinator no later than July 2, 2018.
  3. Submit a list of updated SARA Title III (Section 302) community hazardous materials emergency response plans to MSP/EMHSD no later than July 2, 2018. The form for submitting these updates is available on the MSP/EMHSD website located at <http://www.michigan.gov/emhsd>.
  4. Comply with National Incident Management System (NIMS) requirements to be eligible to receive federal preparedness funds. NIMS information is available at <http://www.fema.gov/national-incident-management-system>. More information on complying with NIMS is available from the State NIMS Coordinator.
  5. In accordance with 2 CFR 200.331, the subrecipient permits the recipient to have access to the subrecipient's records and financial statements as necessary for the recipient to meet the requirements of 2 CFR 200.331.
  6. Integrate individuals with disabilities into emergency planning in compliance with Executive Order 13347 and the *Rehabilitation Act of 1973*.
  7. Comply with applicable financial and administrative requirements set forth in the current edition of 2 CFR, Part 200, including, but not limited to, the following provisions:
    - a. Account for receipts and expenditures, maintain adequate financial records, and refund expenditures disallowed by federal or state audit.
    - b. Retain all financial records, statistical records, supporting documents, and other pertinent materials for at least three years after the grant is closed by the awarding federal agency for purposes of federal and/or state examination and audit.
    - c. Non-federal organizations which expend \$750,000 or more in federal funds during their current fiscal year are required to have an audit performed in accordance with the Single Audit Act of 1984, as amended, and 2 CFR, Part 200.501.
  8. Comply with the Department of Transportation's policy for contracting with small and minority businesses, women-owned business enterprises, veteran owned, and HubZone business firms. The subrecipient is encouraged to take all necessary affirmative steps to assure that small, women-owned, minority disadvantaged businesses, veteran, and HubZone business firms are used when possible.
  9. Complete federally-mandated reporting requirements, including, but not limited to, requirements related to the *Federal Funding Accountability and Transparency Act of 2006* (FFATA) (Public Law 109-282), as amended by Section 6202(a) of the *Government Funding Transparency Act of 2008* (Public Law 110-252) and program specific reporting requirements.

## V. Responsibilities of the Recipient

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

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

- E. At its discretion, independently, or in conjunction with the federal awarding agency, conduct random on-site reviews of the Subrecipient(s).

## **VI. Reporting Procedures**

Submit new and updated SARA Title III (Section 302) community hazardous materials emergency response plans, and identify which facility plans were updated on the attached *Plan Update List* form as stated in the FY 2017-18 application to MSP/EMHSD, no later than July 2, 2018. Complete instructions on how and where to submit required reports can be found in the *Hazardous Materials Emergency Preparedness Planning Grant Instructions* that are included with this grant agreement package. If a support grant was requested, the LEPC must meet the requirements stated in the attached *Hazardous Materials Emergency Preparedness Planning Grant Instructions*, Section IV.B., or forfeit that portion of the grant award.

## **VII. Payment Procedures**

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

All Subrecipients in the HMEP grant program must submit documentation on the associated costs being charged to the \$1,000.00 HMEP support grant. The eligible expenses are laid out in the HMEP \$1,000.00 Support Grant Certification Form, which will be sent to each LEPC at the close of the federal fiscal year. When a LEPC enters information into this form, the cost will need to be supported by a receipt, time sheet (reflecting hours worked on SARA related planning issues), purchase order or a paid invoice. The support grant form and attachments must be returned to MSP/EMHSD by the assigned due date.

## **VIII. Employment Matters**

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

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

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

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



## **IX. Limitation of Liability**

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

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

## **X. Third Parties**

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

## **XI. Grant Agreement Period**

This grant agreement is in full force and effect from October 1, 2017 to September 30, 2018. No costs eligible under this grant agreement shall be incurred before the starting date of this grant agreement, except with prior written approval. This grant agreement package consists of two identical grant agreements, simultaneously executed; each is considered an original having identical legal effect. This grant agreement may be terminated by either party by giving thirty (30) days written notice to the other party stating reasons for termination and the effective date, or upon the failure of either party to carry out the terms of the grant agreement. Upon any such termination, the Subrecipient agrees to return to the Recipient any funds not authorized for use, and the Recipient shall have no further obligation to reimburse the Subrecipient.

## **XII. Entire Grant Agreement**

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

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

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

Before taking action, the Recipient will provide the Subrecipient reasonable notice of intent to impose corrective measures and will make every effort to resolve the problem informally.

### **XIII. Business Integrity Clause**

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

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

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

**XV. Official Certification**

**For the Subrecipient**

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

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

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

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

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

Capt. Chris A. Kelenske, Commander  
Printed Name

Deputy State Director of Emergency  
Management and Homeland Security  
Title

Chris A. Kelenske

4/2/18

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## HMEP PLANNING GRANT AGREEMENT IN-KIND MATCH

The **Livingston County** Local Emergency Planning Committee (LEPC) has been allocated the funding amount specified in the attached grant agreement. Therefore, a local fund match of **\$688** is **required**.

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

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



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

1911 Tooley Rd, Howell, MI 48855  
Phone 517-540-7926 Fax 517-564-6788  
Web Site: [co.livingston.mi.us](http://co.livingston.mi.us)

## Memorandum

**To: Livingston County Board of Commissioners**  
**From: Therese Cremonette, Emergency Management**  
**Date: 4/24/2018**  
**Re: RESOLUTION TO APPROVE THE FY 2017-2018**  
**HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS**  
**GRANT PROGRAM AWARD AGREEMENT**

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This resolution is for the approval of the FY 2017-2018 Hazardous Material Emergency Preparedness Grant program award agreement.

The award is for \$2,750.00 dollars that would require a 25% match by Livingston County of \$687.50 that can be covered through an “in-kind match” such as documented cost of office space to meet the needs of the Local Emergency Planning Committee (LEPC)

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

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

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

**RESOLUTION**

**NO: 2018-05-088**

**LIVINGSTON COUNTY**

**DATE: May 7, 2018**

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**Resolution to Adopt the Livingston County Emergency Operations Plan (EOP) – Emergency Management**

- WHEREAS,** the goal of the Emergency Operations Plan (EOP) is to coordinate emergency response efforts to save lives, reduce injuries and preserve property; and
- WHEREAS,** the Emergency Operations Plan (EOP) has been developed in accordance with the requirement for local emergency planning established by the State of Michigan; and
- WHEREAS,** the plan also meets the requirements for all state and federal guidelines for all-hazard emergency management concepts, plans and programs; and
- WHEREAS,** this plan sets forth general concepts, policies, tasks and guidelines of all-hazards planning; and
- WHEREAS,** this plan has been reviewed by the Michigan State Police Emergency Management & Homeland Security Division; and
- WHEREAS,** the Emergency Operations Plan (EOP) is required in order for the County to be eligible for funding or reimbursement of costs associated with the event of a declared disaster; and
- WHEREAS,** the Emergency Operations Plan (EOP) will be valid for four years after adoption by the Board of commissioners, but reviewed and updated as needed and required during that time period; and
- THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby adopts the current attached Livingston County Emergency Operations Plan (EOP).

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**MOVED:  
SECONDED:  
CARRIED:**





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

1911 Tooley Rd Howell, MI 48855

Phone 517-540-7926 Fax 517-546-6788

Web Site: [co.livingston.mi.us](http://co.livingston.mi.us)

## Memorandum

**To: Livingston County Board of Commissioners**  
**From: Therese Cremonte, Emergency Management Department**  
**Date: 04/24/2018**  
**Re: Approval and Adoption of the Livingston County Emergency  
Operations Plan (EOP) – 2018 through 2022**

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This resolution is to request the approval of the Livingston County Board of Commissioners for the updated and revised Livingston County Emergency Operations Plan.

Each county is required to develop, review, approve, and adopt an Emergency Operations Plan (EOP). The plan is constructed to provide general concepts, policies, tasks and guidelines of all-hazards planning, to include terrorism related events.

The goal of the Emergency Operations Plan (EOP) is to outline a plan to coordinate emergency response efforts to save lives, reduce injuries, and preserve property during local emergencies or widespread disasters.

The Emergency Operations Plan (EOP) will use a graduated response strategy that is in proportion to the scope and severity of an emergency. It can be scaled up or down during the event and leading into the recovery phase of any event.

Although the Emergency Operations Plan (EOP) addresses emergency or disaster related issues, its primary goal is to assemble, mobilize and coordinate a team of responders and coordinators that can deal with any emergency, hazard or disaster.

The Emergency Operations Plan (EOP) upon approval and adoption by the Livingston County Board of Commissioners will be in effect for a period of four (4) years. During that 4-year time period, the plan will be reviewed and revised as needed in order to provide an all-hazards emergency response.

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

RESOLUTION

NO: 2018-05-089

LIVINGSTON COUNTY

DATE: May 7, 2018

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**Resolution Authorizing an Agreement with Government Payment Service to Provide Credit Card Bond Payments Services - Sheriff – Jail**

**WHEREAS,** Livingston County Jail desires to continue to accept credit cards for bond payments made at the jail; and

**WHEREAS,** Livingston County Jail has utilized Government Payment Service (GovPayExp) for these services under contract since about 2008; and

**WHEREAS,** the current contract expired in July 2017 and a new agreement was delayed due to unforeseen circumstances; and,

**WHEREAS,** the jail has continued to utilize this service and wishes to continue doing so; and

**WHEREAS,** this service has no costs to the jail or taxpayers and is funded by service fees for those who choose to use the service;

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby authorizes entering into an agreement with Government Payment Service for Credit Card Bond Payment Processing for a period of three years with options for one year renewals after that

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

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MOVED:  
SECONDED:  
CARRIED:

## PARTICIPATION AGREEMENT

LIVINGSTON COUNTY SHERIFF'S OFFICE  
150 S. HIGHLANDER WAY  
HOWELL, MI 48843-1954

Government Payment Service, Inc. ("GPS")  
7102 Lakeview Parkway West Drive  
Indianapolis, Indiana 46268  
Phone: (866) 564-0169  
Facsimile: (888) 665-4755  
Email: [accountservices@govpaynet.com](mailto:accountservices@govpaynet.com)

**1. Services.** The above-named entity ("Participant") authorizes GPS to act as its agent for the processing of credit, debit, and prepaid debit card transactions and GPS accepts such appointment subject to any conditions and limitations in this Participation Agreement and any attachments hereto ("Agreement"). GPS shall provide Participant with training, documentation, and electronic and telephonic support at GPS' expense. GPS shall cause funds to be forwarded electronically to such account as Participant designates within two banking days after transaction authorization or by mailed check if Participant so indicates.

**2. Term and Termination.** This Agreement shall become effective upon the date of the latter signature to this Agreement ("Effective Date") and shall continue for three years, automatically renewing for additional one-year periods commencing on the third anniversary of the Effective Date. This Agreement may be terminated (i) by Participant at any time with or without cause upon 30 days' written notice to GPS, provided, however, that Participant shall pay to GPS a \$2,000 early termination fee if such termination occurs within one year of the Effective Date; (ii) by GPS upon 30 days' written notice to Participant prior to any renewal term; or (iii) by either party immediately upon notice to the other party of such other party's material breach of this Agreement, subject to a reasonable opportunity to cure such breach.

**3. Fees.** GPS shall collect the service fees shown in Attachment "A" based on type of payment processed from the cardholder or from Participant, as Participant specifies to GPS. Participant may select either or both of the payment types available as follows:

- For cash bail/bond payments, "**Service Fee Schedule for Bail Payments**" applies.
- For criminal justice-related payments, such as fees for probation management, electronic monitoring, work release, or other payments

associated with reducing or avoiding a term of incarceration, "**Service Fee Schedule for Criminal Justice-Related Payments**" applies.

GPS will apply its then-current service fee to the payment types Participant has selected for processing under this Agreement. GPS may modify any or all service fees at its sole option, providing Participant with 30 days' advance written notice. **ALL SERVICE FEES ARE NON-REFUNDABLE.**

**4. Disputes and Chargebacks.** GPS shall be responsible for handling all transaction disputes associated with cardholders' use of cards to make payments to Participant through GPS. Chargebacks are subject to the terms described in Attachment "B".

**5. Warranties.** Each party warrants that this Agreement is valid, binding, and enforceable against such party in accordance with its terms and that each party has full power and authority to execute and deliver this Agreement and to perform its obligations hereunder. GPS further warrants that during the performance of this Agreement, GPS (i) shall provide services in a non-discriminatory manner and shall not deny services or employment on the basis of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, marital status, or any other legally protected class; (ii) will comply with all applicable laws and regulations and the rules and procedures applicable to the credit and debit card brands it accepts and processes; and (iii) in accordance with then-current PCI DSS requirements, will maintain proper security and responsibility for cardholder data while it is in GPS's possession, all at GPS' sole cost.

**6. Indemnification and Disclaimers.** GPS shall indemnify and save harmless Participant, its agents, officers, and employees from responsibility or liability for all damages, costs, expenses, (including reasonable attorney fees and defense costs) relating to death or bodily injury or damages to physical property directly resulting from GPS' performance under this

Agreement. **GPS ACCEPTS NO RESPONSIBILITY FOR SECURITY OF CARDHOLDER DATA ON SYSTEMS OTHER THAN THOSE CONTROLLED BY GPS. GPS LIABILITY WITH RESPECT TO PAYMENTS PROCESSED HEREUNDER IS LIMITED TO MAKING PAYMENTS IN THE AMOUNTS AUTHORIZED. GPS IS NOT A SURETY AND PROCESSING A PAYMENT THROUGH GPS DOES NOT GUARANTEE ANY PARTICULAR OUTCOME INCLUDING, BUT NOT LIMITED TO, A DEFENDANT'S COURT APPEARANCE OR FULL SATISFACTION OF A FINANCIAL OBLIGATION. OTHER THAN WARRANTIES EXPLICITLY MADE IN THIS AGREEMENT, GPS DISCLAIMS ALL WARRANTIES OR REPRESENTATIONS OF ANY KIND, EXPRESS OR IMPLIED. NEITHER PARTY SHALL BE LIABLE FOR INCIDENTAL, INDIRECT, PUNITIVE, OR CONSEQUENTIAL DAMAGES EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. PARTICIPANT BEARS RESPONSIBILITY FOR ANY ADMINISTRATIVE ACTIONS IT MAY TAKE IN CONNECTION WITH SERVICES PROVIDED UNDER THIS AGREEMENT.**

**7. Independent Contractor.** GPS shall provide all services to Participant as an independent contractor. Nothing contained herein shall be deemed to create any association, partnership, joint venture, or relationship of master and servant or employer and employee between the parties or to provide either party with the right, power, or authority, expressed or implied, to create any such duty or obligation on behalf of the other party.

**8. Taxes.** GPS shall be responsible for the payment of all taxes legally imposed upon its services.

**9. Notices.** All legal notices permitted or required by this Agreement shall be in writing and given to the respective parties in person, by first class mail, by recognized private courier, or by facsimile (with a hard copy following) directed to the address first stated in this Agreement or to such other person or place that the parties may from time to time designate (if to GovPayNet, note "Attention: Account Services"). Notices and consents under this section shall be deemed to be received, if sent by mail or courier, five days following their deposit in the U.S. Mail or with such courier or, if sent by facsimile, when such facsimile is transmitted to the number the intended recipient provides and sender receives a confirmation that such facsimile was transmitted.

**10. SERVICE CHANGES:** Participant is responsible for advising GPS as to the types of payments GPS is authorized to accept on Participant's behalf (per the fees in Attachment "A") and the type of service and equipment modes that will apply to each payment type. Participant may at any time (i) authorize GPS to accept additional types of payments, (ii) cancel the processing through GPS of any types of payments, (iii) modify the service or equipment modes (from among Internet, telephone, Internet and telephone, *GovSwipe*<sup>®</sup>, etc.), (iv) modify the account(s) to which GPS shall direct payments to Participant, or (v) add other agencies, departments or sub-agencies ("Affiliated Agencies") to, or delete Affiliated Agencies from Participant's use of any GPS services and equipment by specifying all such changes to GPS in writing. Any such changes will be subject to GPS acknowledgment and acceptance in writing. For purposes of this subsection only, "in writing" shall mean via letter, facsimile, or email (if to GovPayNet, to [accountservices@govpaynet.com](mailto:accountservices@govpaynet.com)).

**11. GovSwipe.** GPS will provide Participants who select *GovSwipe* with card readers and peripheral equipment (cables, etc.), which are and will remain the property of GPS. Participant understands that GPS card readers are embedded with proprietary technology ("Firmware"). GPS grants Participant a license to use such card readers and Firmware for the duration of the Agreement. Participant's use of card readers and Firmware shall be limited to the purposes of this Agreement. Acceptance and use of card readers does not convey to Participant any title, patent, copyright or other proprietary right in or to the Firmware. At all times, GPS or its suppliers retain all rights to the Firmware, including but not limited to updates, enhancements, and additions. Participant shall not attempt to access or disclose the Firmware to any party, or transfer, copy, license, sub-license, modify, translate, reverse engineer, decompile, disassemble, tamper with, or create any derivative work based on Firmware.

Participant will use reasonable care to protect card readers from loss, theft, damage or any legal encumbrance. GPS shall provide card readers and installation instructions at service implementation and when providing any replacement or additional card readers by shipment to a location Participant designates or, at GPS's option, Participant will allow GPS and its designated representatives reasonable access to Participant's premises for training purposes and device installation, repair, removal, modification, upgrades, and relocation.

Card readers for use with *GovSwipe* are designed to communicate cardholder data to GPS through Participant's computing equipment to which they are cable-attached via USB port. Internet access to GPS is required for transaction processing via *GovSwipe* and is enabled solely by Participant's computers and networks. Participant is responsible to use standard safeguards and practices to keep its computers and networks secure and free from malicious software or hardware. GPS shall not be held liable to Participant for exposure of Participant's computers or networks to malicious software or hardware of any kind. GPS is solely responsible for the maintenance of any card readers and shall supply Participant with replacement card readers on Participant's request and as GPS deems appropriate. Upon termination of the Agreement, GPS may require Participant to return card readers at GPS's expense and by such method as GPS specifies.

**12. Miscellaneous.** There are no third-party beneficiaries to this Agreement. This Agreement may not be assigned, in whole or in part, by either party hereto without prior written consent of the other party, which consent shall not be unreasonably withheld. Either party is excused from performance and shall not be liable for any delay in performance or non-performance, in whole or in part, caused by the occurrence of any contingency beyond the control of the non-performing party including, but not limited to, work stoppages, fires, civil disobedience, riots,

rebellions, terrorism, loss of power or telecommunications, flood, storm, Acts of God, and similar occurrences. This Agreement shall be governed by the internal laws of the state of Indiana. A waiver of any portion of this Agreement shall not be deemed a waiver or renunciation of other portions. Rights and obligations under this Agreement which by their nature should survive will remain in effect after termination or expiration hereof. In the event that any provision of this Agreement is adjudicated by any court of competent jurisdiction to be invalid, illegal, void, or unenforceable, all other provisions of this Agreement shall remain in full force and effect.

**13. Completeness and Execution.** This Agreement is the entire agreement between the parties and expresses the complete understanding of the parties, superseding all prior or contemporaneous agreements with regard to the subject matter herein. This Agreement may not be altered, amended or modified except in a writing incorporated hereto and signed by the parties, provided, however, that GPS may revise the terms of this Agreement if required to comply with law, regulation, or card industry rules and GPS provides prompt notice to Participant of such change(s). This Agreement may be executed simultaneously in multiple counterparts, each of which is deemed an original, but all of which taken together constitute one and the same instrument. All signed fax or electronically imaged counterparts to this Agreement shall be deemed as valid as originals.

**LIVINGSTON COUNTY SHERIFF'S OFFICE**

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Kate Lawrence  
Chairperson - Board of Commissioners

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Date

**GOVERNMENT PAYMENT SERVICE, INC.**

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Mark E. MacKenzie  
President & Chief Executive Officer

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Date



## ATTACHMENT “A” – SERVICE FEES AVAILABLE

Service Fee Schedule # CB-169_170 for Cash Bail Payments*	
9.0%	
Bail postings exceeding \$10,000 may only be made via the GPS Call Center and are subject to security verifications.	

Service Fee Schedule # CJR-171_172 for Criminal Justice-Related Payments*	
Service Fee for Payments via Web/Gov\$wipe®	Service Fee for Payments via Call Center/Live Agent
3.75% Minimum Fee = \$3.50	5.25% Minimum Fee = \$5.00

### ALL SERVICE FEES ARE NON-REFUNDABLE

*\* Service Fees may be the responsibility of cardholder, Participant, or shared by cardholder and Participant. Unless Participant advises GPS otherwise, Participant will be presumed to have chosen that cardholders shall be responsible for all Service Fees. If Participant elects to pay all or any portion of the Service Fee, Participant must so advise GPS in writing using the method specified in subsection 10. For any Service Fees Participant elects to pay, GPS will (i) debit Participant's account for Participant's share of the Service Fee in accordance with the terms of the debit authorization form GPS provides; and (ii) add a 5% processing fee to the total amount of each debit GPS initiates for purposes of fee payment. Participant must allow GPS 30 days to make any changes Participant requests to the Service Fee responsibility. Participant warrants that Participant's decisions and instructions to GPS with respect to cardholder responsibility for payment of all or any part of the Service Fee shall conform with applicable law.*



## ATTACHMENT “B” – PAYMENT INTEGRITY PROGRAM

The Payment Integrity Program (PIP) is an approach to keeping credit card and debit card payments to government and government-related organizations safe, convenient, and economical. Card fraud has reached epidemic proportions and is expected to continue to be a significant, long-term issue for consumers, businesses, and, increasingly, government. Even if a government entity is fully indemnified from card fraud losses, condoning a payment made by card fraud should not be acceptable public policy. Using cards to make payments to government agencies, offices, departments, and providers is an important constituent service that also enhances government operations and finances.

GPS has worked with clients for over 20 years to develop a payment process that best serves the interests of all stakeholders. Our objective is to avoid the harsh fraud control and reclamation measures our competitors impose. Accepting funds stolen by card fraud without imposing consequences encourage more fraud, drive up the cost of using cards to pay civic obligations, and place their good reputations at risk. PIP, described below, is a cooperative “best practice” applying a unique set of features to achieve fraud control while requiring minimal action by GPS clients.

1. **NO PARTICIPANT LIABILITY.** Under PIP, GPS does not deduct or offset card fraud losses against a Participant’s daily settlement, or terminate a contract or declare a Participant in breach for failing to recoup or reimburse GPS for chargebacks. Instead, PIP establishes **voluntary standards** for Participants while allowing GPS to determine various service levels based on a Participant’s fraud loss experience and willingness to assist in fraud control and funds reclamation actions.
2. **FRAUD PREVENTION.** GPS applies multiple preventive measures to help exclude stolen funds from government finances. This involves a variety of technological and procedural methods to identify potential card fraud and respond appropriately. These can include, but are not necessarily limited to, Address Verification System (AVS) checks, caps on payment amounts allowed, and software-based controls. GPS also reviews daily payment activity before settlement and may telephone selected cardholders to confirm a payment’s validity.
3. **CHARGEBACK MANAGEMENT.** When a cardholder initiates a chargeback within 120 days of a transaction, it automatically results in a provisional credit to the cardholder from a GPS account. If GPS’s investigation shows that a chargeback appears to be the result of a GPS error, GPS will be liable for the chargeback in accordance with industry rules. If GPS determines that a chargeback may be inappropriate, GPS expects the Participant to provide reasonable assistance in any challenge GPS makes. If a Participant decides to challenge a chargeback, GPS will provide reasonable assistance to the Participant.
4. **FUNDS RECLAMATION:** One of PIP’s goals is to enable Participant to participate in fraud prevention and manage reclamation of stolen funds in a manner that reasonably accommodates Participant practices. **Voluntary Participant assistance in funds reclamation is considered an essential component of PIP success.** GPS recognizes that the Participant’s ability to assist in reclamation can vary.
  - A. The funds reclamation process begins with GPS’s receipt of a notice of chargeback. GPS will act within its business discretion in determining which chargebacks may be most cost-effectively reclaimed and suitable for notifying Participant.

- B. For funds that have left government control (for example, as discharged bail or paid as child support or restitution) and for which GPS has notified Participant of a chargeback, if the involved government has a continuing relationship with the beneficiary of the card fraud (for example, incarceration, child support obligations, or the granting of a license) GPS expects the Participant will take reasonable measures to recover the amount of the fraud loss by making it a continuing obligation of the individual to be paid to the government then transferred to GPS.
  - C. For funds that remain in government control even if passed to other agencies or branches by administrative procedure (for example, posted bail not yet discharged or payments of fees, taxes, or other costs and assessments), GPS recommends that Participant and involved government entity(ies) declare the obligation unpaid and take such steps as may be necessary to reclaim funds for reimbursement to GPS as would be the case for any transfer of stolen property. GPS expects reimbursement of such invalidly obtained funds within 60 days of the date GPS notifies Participant of the related chargeback(s).
  - D. For each chargeback GPS refers to Participant for action, GPS will have made the cardholder whole for lost funds. Participant chargeback reimbursements of reclaimed funds to GPS shall not be subject to Participant offset or reduction. Where feasible, funds reclamation should include GPS's lost processing fee.
  - E. If a Participant terminates its contract with GPS, GPS reserves the right to invoice the Participant for chargeback losses occurring within six months of contract termination. Such amounts shall be due and owing in accordance with invoice terms.
- 5. PROSECUTION: In the event of card fraud involving bail, restitution, probation, or other payments in the criminal justice system, or card fraud for civil payments in large amounts, GPS strongly encourages prosecution to the fullest extent of the law and will provide affidavits, transaction reports, and victim statements as may be needed.
  - 6. REMEDIATION: GPS's objective is to provide the most user-friendly service possible. Depending upon a Participant's fraud experience and level of PIP cooperation, GPS reserves the right to adjust service levels including but not limited to stricter AVS standards, imposing caps upon permitted payments, discontinuing payment types, or suspending all services if GPS deems it necessary to maintain payment security.
  - 7. NON-PARTICIPATION: A Participant may elect not to participate in PIP by notifying GPS in writing via email ([paymentintegrityprogram@govpaynet.com](mailto:paymentintegrityprogram@govpaynet.com)), facsimile (888-665-4755), or letter (7102 Lakeview Parkway W. Drive, Indianapolis IN 46268) within 30 days of the date of this document or, if a new Participant, at contract execution. Failure to reject PIP participation in writing within 30 days will be deemed acceptance. Rejecting PIP participation or failing to cooperate in reclaiming stolen funds may result in remediation measures, contract non-renewal, or renewal at increased fees.



**RESOLUTION**

**NO: 2018-05-090**

**LIVINGSTON COUNTY**

**DATE: May 7, 2018**

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**Resolution Authorizing an Agreement with CC Sports to Provide Two Loaner Sea-Doos - Sheriff's Office**

**WHEREAS,** the Livingston County Sheriff's Office currently has a Marine Safety Program which patrols waterways and enforces laws on the County's waterways; and

**WHEREAS,** CC Sports has invited the Livingston County Sheriff's Office to enter into a loaner agreement whereby CC Sports will provide, at no cost to the Sheriff's Office, two loaner Sea-Doos for use in the patrol of County waterways; and

**WHEREAS,** the duration of the loan will be a minimum of one season and a maximum of twelve months; and,

**WHEREAS,** a Sea-Doo is better suited for the times when a one-man patrol is utilized; and

**WHEREAS,** a Sea-Doo is more fuel efficient and more maneuverable than a boat; and

**WHEREAS,** a Sea-Doo can be launched into small lakes and other locations that are not accessible to the Sheriff's patrol boat.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby authorizes entering into an agreement with CC Sports for two loaner Sea-Doos for the period of a minimum of one season and a maximum of 12 months.

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

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MOVED:  
SECONDED:  
CARRIED:



**LIVINGSTON COUNTY, MICHIGAN**  
**DEPARTMENT OF LIVINGSTON COUNTY SHERIFF**

**150 S. Highlander Way, Howell, MI 48843**  
**Phone 517-540-7946 Fax 517-545-9627**  
**Web Site: co.livingston.mi.us**

# Memorandum

**To: Livingston County Board of Commissioners**

**From: Sgt. Daniel Knapp**

**Date: 4/24/18**

**Re: Resolution Authorizing the Sheriff's Office to Enter Into a  
Loaner Agreement With CC Sports for Two Loaner SeaDoo  
– Sheriff**

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CC Sports has invited the Livingston County Sheriff's Office to enter into a loaner agreement whereby CC Sports will provide, at no cost to the Sheriff's Office, two loaner Sea-Doos for use in the Sheriff's Marine Safety Program.

The duration of the loaner agreement involving the two personal watercrafts (PWC) is a minimum of one season and a maximum of twelve months.

A PWC is better suited for use on the occasions when a one-man patrol is utilized. A PWC is much more fuel efficient and maneuverable than a boat. One can be launched at locations in the County where the patrol boat cannot.

The Sheriff's Office is requesting that the Livingston County Board of Commissioners authorizes the Sheriff to enter into this agreement for two loaner Sea-Doos which will be utilized in the Sheriff's Marine Safety Program.

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

Respectfully,

Sgt. Daniel Knapp

RESOLUTION

NO:

2018-05-091

LIVINGSTON COUNTY

DATE:

May 7, 2018

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**Resolution Authorizing the Livingston County Board of Commissioners to Sign on to the Stepping Up Initiative - Sheriff**

**WHEREAS,** counties routinely provide treatment services to the estimated 2 million people with serious mental illnesses booked into jail each year; and

**WHEREAS,** prevalence rates of serious mental illnesses in jails are three to six times higher than for the general population; and

**WHEREAS,** almost three-quarters of adults with serious mental illnesses in jails have co-occurring substance use disorders; and

**WHEREAS,** adults with mental illnesses tend to stay longer in jail and upon release are at a higher risk of recidivism than people without these disorders; and

**WHEREAS,** county jails spend two to three times more on adults with mental illnesses that require interventions compared to those without these treatment needs; and

**WHEREAS,** without the appropriate treatment and services, people with mental illnesses continue to cycle through the criminal justice system, often resulting in tragic outcomes for these individuals and their families; and

**WHEREAS,** Livingston County Community Mental Health Authority has received a jail diversion grant which helps people stay out of jail by offering mental health and substance use disorder treatment and Crisis Intervention Team training for law enforcement and first responders; and

**WHEREAS,** through the *Stepping Up* initiative, the National Association of Counties, the Council of State Governments Justice Center and the American Psychiatric Foundation are encouraging public private and nonprofit partners to reduce the number of people with mental illnesses in jails.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby authorizes the Board Chair and County Administrator to sign the *Stepping Up* initiative partnership agreement upon review and approval by civil counsel.

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



**LIVINGSTON COUNTY, MICHIGAN**  
**DEPARTMENT OF LIVINGSTON COUNTY SHERIFF**

**150 S. Highlander Way, Howell, MI 48843**  
**Phone 517-540-7903 Fax 517-552-2542**  
**Web Site: [co.livingston.mi.us](http://co.livingston.mi.us)**

# Memorandum

**To: Livingston County Board of Commissioners**  
**From: Lt. Eric Sandborn**  
**Re: Stepping Up Initiative Resolution**

Counties routinely provide treatment services to the estimated 2 million people with serious mental illnesses booked into jail each year. Prevalence rates of serious mental illnesses in jails are three to six times higher than for the general population. Almost three-quarters of adults with serious mental illnesses in jails have co-occurring substance use disorders. Adults with mental illnesses tend to stay longer in jail and upon release are at a higher risk of recidivism than people without these disorders. County jails spend two to three times more on adults with mental illnesses that require interventions compared to those without these treatment needs. Without the appropriate treatment and services, people with mental illnesses continue to cycle through the criminal justice system, often resulting in tragic outcomes for these individuals and their families. Livingston County, Michigan and all counties take pride in their responsibility to protect and enhance the health, welfare and safety of its residents in efficient and cost-effective ways. Livingston County in Michigan e.g. Livingston County Community Mental Health Authority has received a jail diversion grant which helps people stay out of jail by offering mental health and substance use disorder treatment; Crisis Intervention Team training for law enforcement and first responders. through the *Stepping Up* initiative, the National Association of Counties, the Council of State Governments Justice Center and the American Psychiatric Foundation are encouraging public, private and nonprofit partners to reduce the number of people with mental illnesses in jails

The Sheriff's Office is requesting that the Livingston County Board of Commissioners sign on to the *Stepping Up Initiative* Resolution.

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

Respectfully,

Lt. Eric Sanborn



# Livingston County Stepping Up Initiative: Presentation to County Commissioner Safety Committee

Connie Conklin, Executive Director, Livingston CMH  
Undersheriff Jeff Warder, Sheriff office  
March 26, 2018

# Counties in Michigan with Stepping up initiatives

## Michigan Counties

- Alpena
- Barry
- Charlevoix
- Dickinson
- Genesee
- Gratiot
- Huron
- Jackson

## Michigan Counties

- Kalamazoo
- Kent
- Lenawee
- Macomb
- Marquette
- Monroe
- Muskegon
- Oakland
- Washtenaw
- Wayne

# Why should I support this?

- Each year, there are an estimated 2 million people with serious mental illnesses admitted to jails across the nation. That's equivalent to the populations of Vermont and New Hampshire—combined.
- Almost three-quarters of these adults also have drug and alcohol use problems.
- Once incarcerated, individuals with mental illnesses tend to stay longer in jail and upon release are at a higher risk of returning to incarceration than those without these illnesses.
- The human toll of this problem—and its cost to taxpayers—is staggering. Jails spend two to three times more money on adults with mental illnesses that require intervention than on those without those needs, yet often do not see improvements to public safety or these individuals' health.
- Although counties have made tremendous efforts to address this problem, they are often thwarted by significant obstacles, including operating with minimal resources and needing better coordination between criminal justice, mental health, substance use treatment, and other agencies.
- Without change, large numbers of people with mental illnesses will continue to cycle through the criminal justice system, often resulting in tragic outcomes for these individuals and their families, missed opportunities for connections to treatment, inefficient use of funding, and a failure to improve public safety.

# What can you do?

- Whether you are a state or local policymaker, a criminal justice or behavioral health professional, an individual living with mental illness, or someone who is otherwise committed to reducing the number of people with mental illnesses, substance use and intellectual/developmental disabilities in jails, you can play a critical role in this initiative.
- Support efforts that achieve these outcomes:
  1. Reducing the number of people with mental illnesses booked into jail. Last four years jail diversion data:

FY14	FY15	FY16-grant initiated	FY17
8 Individuals	3 Individuals	31 individuals	35 individuals

2. Increasing connections to treatment.
  3. Reducing the length of time spent in jail.
  4. Reducing recidivism
  5. Increase awareness and understanding when dealing with individuals with mental health, substance use or intellectual disabilities.
- Please sign the resolution so together as a county we can make a difference in impacting these outcomes.



# This is what we need from you today?

- Participation by supporting the signing of the Stepping Up Resolution.
- Agree to support the Crisis Intervention Team Training (dates confirmed- April 17/18, May 15/16, June 19/20, July 17/18)
- Support our Jail Diversion team on ride along program to increase awareness and understanding.
- Commit to working towards the outcomes of the Stepping Up Initiative.

# Questions and Answers



**Livingston County, Michigan: Stepping Up Initiative Resolution**

**“Stepping Up Initiative to Reduce the Number of People with Mental Illnesses in Jails” –**

**January 2018**

**WHEREAS**, counties routinely provide treatment services to the estimated 2 million people with serious mental illnesses booked into jail each year; and

**WHEREAS**, prevalence rates of serious mental illnesses in jails are three to six times higher than for the general population; and

**WHEREAS**, almost three-quarters of adults with serious mental illnesses in jails have co-occurring substance use disorders; and

**WHEREAS**, adults with mental illnesses tend to stay longer in jail and upon release are at a higher risk of recidivism than people without these disorders; and

**WHEREAS**, county jails spend two to three times more on adults with mental illnesses that require interventions compared to those without these treatment needs; and

**WHEREAS**, without the appropriate treatment and services, people with mental illnesses continue to cycle through the criminal justice system, often resulting in tragic outcomes for these individuals and their families; and

**WHEREAS**, Livingston County, Michigan and all counties take pride in their responsibility to protect and enhance the health, welfare and safety of its residents in efficient and cost-effective ways; and

**WHEREAS**, Livingston County in Michigan e.g. Livingston County Community Mental Health Authority has received a jail diversion grant which helps people stay out of jail by offering mental health and substance use disorder treatment; Crisis Intervention Team training for law enforcement and first responders; and

**WHEREAS**, through the *Stepping Up* initiative, the National Association of Counties, the Council of State Governments Justice Center and the American Psychiatric Foundation are encouraging public, private and nonprofit partners to reduce the number of people with mental illnesses in jails;

**NOW, THEREFORE, LET IT BE RESOLVED, THAT I,**

do hereby sign on to the Call to Action to reduce the number of people with mental illnesses in our county jail, commit to sharing lessons learned with other counties in my state and across the country to support a national initiative and encourage all county officials, employees and residents to participate in *Stepping Up*. We resolve to utilize the comprehensive resources available through *Stepping Up* to:

- Convene or draw on a diverse team of leaders and decision makers from multiple agencies committed to safely reducing the number of people with mental illnesses in jails.
- Collect and review prevalence numbers and assess individuals' needs to better identify adults entering jails with mental illnesses and their recidivism risk, and use that baseline information to guide decision making.
- Examine treatment and service capacity to determine which programs and services are available in the county for people with mental illnesses and co-occurring substance use disorders, and identify state and local policy and funding barriers to minimizing contact with the justice system and providing treatment and supports in the community.
- Develop a plan with measurable outcomes that draws on the needs and prevalence assessment data and examination of available treatment and service capacity, while considering identified barriers.
- Implement research-based approaches that advance the plan.
- Create a process to track progress using data and information systems, and to report on successes.

PASSED AND APPROVED in this \_\_\_\_ day of \_\_\_\_\_, 2018.

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

Name: Donald S. Parker

Title: Livingston County Board of Commission Chairperson

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

Name: Ken Hinton

Title: Livingston County Administrator

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

Name: Judge Miriam Cavanaugh

Title: Chief Judge

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

Name: William Vaillencourt

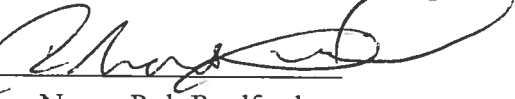
Title: Prosecuting Attorney


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

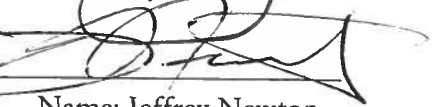
Name: Michael Murphy

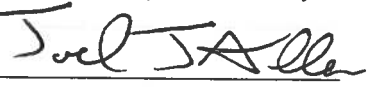
Title: Livingston County Sheriff

By:   
Name: Constance Conklin  
Title: Executive Director, Livingston County CMH

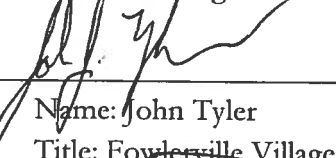
By:   
Name: Rob Bradford  
Title: City of Brighton Police Chief

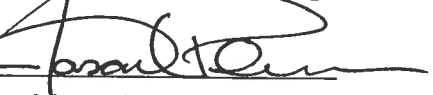
By:   
Name: George Basar  
Title: City of Howell Police Chief

By:   
Name: Jeffrey Newton  
Title: City of Pinckney Police

By:   
Name: Joel Allen  
Title: Michigan State Police

By: \_\_\_\_\_  
Name: Richard Duffany  
Title: Hamburg Township

By:   
Name: John Tyler  
Title: Fowler Village Police Department

By:   
Name: Jason Pless  
Title: Green Oak Township Police Department

By: \_\_\_\_\_  
Name: David Russell  
Title: Unadilla Township Police Department

By: \_\_\_\_\_  
Name: Michael Reese  
Title: Huron-Clinton Metroparks Police

RESOLUTION

NO: 2018-05-092

LIVINGSTON COUNTY

DATE: May 7, 2018

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**Resolution Authorizing a Transfer from F367 to General Fund and an Additional Contribution to MERS  
- Administration**

- WHEREAS,** a fundamental objective of the Livingston County Board of Commissioners is to fund the long term cost of pension benefits promised to our employees; and
- WHEREAS,** reducing our long term liabilities by making additional payments to MERS is a priority of the Board of Commissioners 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,** resolution 2011-04-121 authorized the creation of Fund 367 Debt Service Sinking Fund in anticipation of the County potentially needing to assist local units during the economic recession with portions of annual debt payments on general obligation bonds backed by the County's full faith and credit. Due to the economic recovery and financial stability of the local units today, these funds are no longer needed for local unit Debt Service needs; and
- WHEREAS,** upon its creation, Fund 367 Debt Service Sinking Fund was funded via resolution 2011-04-121 with \$2 million originating from the General Fund. As of today, the balance in Fund 367, including interest earnings, is \$2,058,369.51; and
- WHEREAS,** it is being recommended that these funds be transferred back to the General Fund to be used to pay down the County's Defined Benefit Pension liability; and
- WHEREAS,** an appropriation of \$250,000 was also authorized in the 2018 Operating Budget in Fund 677 Benefit Fund for the specific purpose of making an additional payment to our pension liabilities.

**THEREFORE, BE IT RESOLVED** that the Board of Commissioners hereby authorizes the Livingston County Treasurer to transfer the current balance in Fund 367 Debt Service Sinking Fund to Fund 101 General Fund for the purpose of making an additional payment to MERS for the defined benefit pension plan.

**BE IT FURTHER RESOLVED** in the Board of Commissioners authorizes an additional payment of \$2,300,000 be made to MERS to reduce the unfunded liability of the Defined Benefit pension plan of which \$250,000 will be from F677 Benefit Fund and \$2,050,000 will be from F101 General Fund, to accelerate the funding of MERS pension and reduce Livingston County's unfunded pension liability

**THEREFORE, BE IT RESOLVED** that the Board of Commissioners hereby authorizes any budget amendments needed to effectuate the transfer in and the additional payment to MERS.

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**MOVED:  
SECONDED:  
CARRIED:**

**RESOLUTION**

**NO: 2018-05-093**

**LIVINGSTON COUNTY**

**DATE: May 7, 2018**

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**Resolution Authorizing Livingston County's Annual Budget Process and Calendar for 2019**

- 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 Livingston County 2015 – 2020 Strategic Plan goal areas include: Economic Development which includes Financial Integrity & Workforce Planning; Visionary Planning which includes Collaboration/ Cooperation/Consolidation; Safety; Roads; Communication; Courts; and Technology. Continued focus on the goals and priorities identified in the strategic plan should continue to guide the 2019 annual budget process; and
- WHEREAS,** Livingston County's key economic indicators and economic forecasts for the nation, state, and region are positive and are continuing several consecutive years of economic recovery; and
- WHEREAS,** the rapid decline of revenues we experienced will continue to take years to regain to pre-recession levels thereby demanding governments at all levels respond by: ensuring annual revenues support annual expenditures; utilization of "Best Practices" for service delivery and outcome measures; continuing to focus on accountability & transparency; government, non-profits, and private industry must continue service delivery efforts of collaboration, cooperation and consolidation; and
- WHEREAS,** services / programs will need to be evaluated and prioritized because current annual revenues will not support all of the service demands; or new sources of revenue will need to be secured; and
- WHEREAS,** the 2019 Budget will be created utilizing the MUNIS – ERP system.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby adopts the following objectives in the preparation of the 2019 Budget:

- Preserve services essential to the health, safety and welfare of our residents as mandated by State Constitution and Statutes unavailable except through Livingston County Government.
- Preserve/enhance services that support the County's Strategic Priorities and mission statement.
- Services must be consistent with and sustainable within the fiscal parameters of the current and projected economic realities. It is acknowledged that this will require:
  - Cooperation / Collaboration / Sharing Services / Consolidation
  - Streamlining work flows
  - Program review and potential elimination
  - Inter-Local Government Cooperation
  - Utilizing effective state of the art Public/Private Partnerships
  - Utilizing technology applications that streamline operations to reduce future costs. Eliminate legacy applications which fail to improve efficiency.
  - Challenge the status quo in all work processes to promote improvements.

**BE IT FURTHER RESOLVED** that the Board of Commissioners hereby directs that the preparation of the 2019 Operating Budget be compiled following the Government Finance Officers Association (GFOA)

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Distinguished Budget criteria for the 2019 budget to create a document that is a: Policy Document, Operation Guide, Financial Plan and Communication Device.

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

- County Administration will provide departments with the projections of their current level personnel costs, Cost Allocation and Internal Service Fund charges (IT, Building Services & Car Pool), and a target General Fund appropriation in the **Level 1 Budget - Base Projection**.
  - To present a balanced budget for consideration, General Fund Departments will be provided target allocation amounts that are equal in total to the 2019 General Fund estimated revenue as determined by the County's Revenue Forecast Committee.
  - General Fund Departments target allocation amount will be based on an average percentage of the last 3 years' general fund allocation, excluding one-time costs.
  - Departments will prepare their budget based on those allocations as they deem necessary for their operations, however they must factor in the internal service fund costs at the rates provided.
  - Special Revenue Funds and Enterprise Funds shall balance their expenditures with annual revenues.
- Departments will prepare a line-item budget request submitted through MUNIS for the **Level 2 Budget – Department Request**.
  - Staffing costs for each position will be provided to Departments at the 2018 approved staffing levels. Departments must factor positions they consider required into their overall target allocation.
  - New position requests can be costed out by Finance through a Position Request/Change form (both General Fund and non-General Fund) and must include justification for need of a new position. The cost of any additional positions must be factored into the target allocation given to the department or clearly reflect the new funding source that will sustain the cost of the position.
  - 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 2019 Budget, line-item detail is required for the following:
    - 801000-803000 - Professional Consultants, Attorney Fees Indigent and Legal Services
    - 817000 – Membership Dues & Registration
    - 819000-819999 – Contract Services
    - 860500 – Out-of-State Travel
    - 943300-943902 – Software Maintenance
    - 957000-957001 – Employee Training/Seminars
    - 973000 – Building Improvements
    - 977000-977999 – Capital Equipment
    - 989000-989700 – Capital Outlay



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- County Administration, with Board participation, will meet with each of the Departments to gather additional information and discuss their Department Requests.
  - Capital Projects are those projects with an estimated cost of over \$50,000. These projects should be included in the 2019-2024 Capital Improvement Plan.
    - Capital projects that reduce future costs and support the County's 2015-2020 Strategic Plan will be reviewed, prioritized, and moved forward by the Board.
    - Projects inadvertently left out of the plan must include a complete description of the project, return on investment analysis, and justification for need.
    - Board of Commissioners will conduct work sessions to review, discuss, and prioritize department capital projects submitted in the Capital Improvement Plan.
  - Budgets submitted by Departments including new positions, reorganizations, programs, and capital projects will be reviewed, analyzed, and a recommendation by County Administration will be presented to Finance for the **Level 3 Budget – Administration Recommendation**.
  - Budgets will be presented to the Finance Committee for recommendation to the Board of Commissioners for the **Level 4 Budget–Finance Committee Recommendation**.
  - Board of Commissioners' adopted 2019 Livingston County Budget **Level 5 - Adopted Budget**.

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

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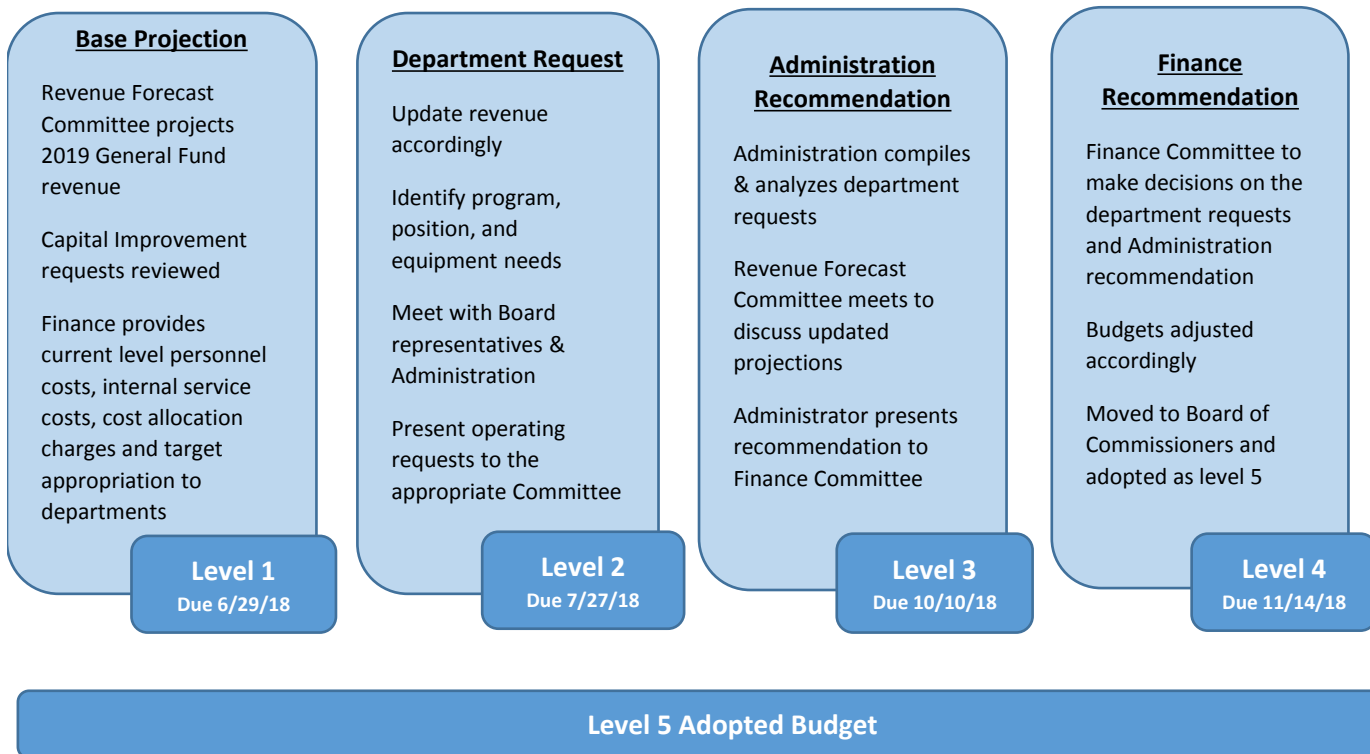
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**MOVED:**  
**SECONDED:**  
**CARRIED:**

# 2019 BUDGET PROCESS & CALENDAR

## DESCRIPTION OF BUDGET PROCESS



## BUDGET CALENDAR

May 2, 2018	Board of Commissioners authorizes 2019 Budget Process & Calendar
June 18, 2018	Board of Commissioners adopts 2019 millages
June 27, 2018	2019 Revenue Forecast Presentation to Finance Committee
June 29, 2018	<b>Level 1 available to Departments</b>
July 2, 2018	Board of Commissioners accepts the Capital Improvement Plan (CIP) report
July 16, 2018	Board of Commissioner's reviews the 2019-2024 CIP
July 27, 2018	<b>Level 2 Department Requests due in MUNIS</b>
August 13-24, 2018	BOC & Administration meet with Departments to go over Department Requests
August 27, 2018	Public Safety and I&D - Review of Level 2 Operating Budgets / Capital Requests
September 10, 2018	General Government and H&HS - Review of Level 2 Operating Budgets / Capital Requests
September 12, 2018	Finance - Review of Courts' Level 2 Operating Budgets / Capital Requests
October 10, 2018	<b>Level 3 Administration Recommended Budget presentation</b>
November 14, 2018	<b>Level 4 Finance Committee Recommended Budget presentation</b>
November 15, 2018	Publish Notice of Public Hearing for Budget in Newspaper
December 3, 2018	<b>Level 5 Public Hearing and Adoption of 2019 Budget</b>



# Memorandum

**To: Livingston County Board of Commissioners**  
**From: Cindy Catanach, Deputy County Administrator/Financial Officer**  
**Date: April 30, 2018**  
**Re: 2019 Annual Budget Process & Calendar**

Attached for your review and consideration is a resolution to approve the 2019 Annual Budget Process & Calendar. As in prior years, a 5 level process will be utilized to develop the budget with the involvement of all County Departments and Elected Officials. The 5 budget levels are:

- Level 1 Base Projection: The Revenue Forecast Committee projects 2019 General Fund revenue, Capital Improvement requests are reviewed, and Finance provides current level personnel costs, internal service costs, and cost allocation charges. Administration will provide a target General Fund appropriation to assist departments in the development of their budget.
- Level 2 Department Request: Departments will update revenue accordingly, identify program, position and equipment's needs, meet with Board representative and Administration, and present requests to the appropriate Committee.
- Level 3 Administration Recommendation: Administration compiles & analyzes department requests, the Revenue Forecast Committee meets to discuss updated projections, and the Administrator presents a recommendation to the Finance Committee.
- Level 4 Finance Recommendation: The Finance Committee makes decision on the department requests and Administration's recommendation, the budgets adjusted accordingly and moved to the Board of Commissioners.
- Level 5 Adopted Budget: The Board of Commissioners adopts the 2019 Annual Budget after the Public Hearing.

The Government Finance Officers Association (GFOA) Distinguished Budget format will be continued this year. This includes the linkage of service areas with the County's strategic plan, performance measures, and inclusion of policies to develop a document that is not only a financial plan, but an operation guide, communication device and a policy document.

Attached to the resolution is a calendar listing the milestones and due dates to aide in the successful completion of the 2019 annual budget.

RESOLUTION

NO: 2018-05-094

LIVINGSTON COUNTY

DATE: May 7, 2018

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**Resolution Recognizing the Observance of National Corrections Officer Week, May 6, 2018 thru May 12, 2018 - Sheriff**

- WHEREAS,** in 1984, President Ronald Reagan signed Proclamation 5187, creating National Correctional Officers Week; which states that each year, the first full week in May is recognized as National Correctional Officers Week, commemorating the contributions of correctional officers dedicated to ensuring the custody, safety and well-being of inmates throughout our Nation's prisons and jails; and
- WHEREAS,** Corrections Deputies are a vital component in the field of corrections, charged with the safety and security of persons arrested for, convicted of, or sentenced for criminal offenses; and
- WHEREAS,** working in a jail is demanding, as officers must maintain a constant state of heightened vigilance as well as adhere to strict security protocols; and
- WHEREAS,** Corrections Deputies must perform their duties within harsh physical environments and with the threat of repeated exposure to violent events; and
- WHEREAS,** the corrections system is intended to protect the public by separating those who require incarceration from the community; and
- WHEREAS,** Corrections Deputies supervise programs to assist in the reintegration of inmates into the community upon release; and
- WHEREAS,** the Corrections Deputies of the Livingston County Sheriff's Office are called upon to fill, simultaneously, custodial, supervisory and counseling roles; and
- WHEREAS,** the professionalism, dedication and courage exhibited by the Corrections Deputies working for the County of Livingston throughout the performance of these demanding and often conflicting roles deserves our utmost respect.

**THEREFORE, BE IT RESOLVED** that the Livingston County Board of Commissioners hereby joins with President Ronald Reagan's Proclamation 5187 to declare the week of May 6th through May 12<sup>th</sup>, 2018, National Correctional Officers week in honor the contributions and accomplishments of the men and women who are essential to the operation of the Livingston County Jail.

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



**LIVINGSTON COUNTY SHERIFF'S OFFICE**

150 S. Highlander Way  
Howell, Michigan 48843-2323  
(517) 546-2440  
[www.livingstonsheriff.com](http://www.livingstonsheriff.com)

April 24, 2018

Livingston County Board of Commissioners  
Administration Building  
304 E. Grand River  
Howell, MI 48843

Re: Observance of National Corrections Officer week

Dear Board of Commissioners:

I respectfully request the Livingston County Board of Commissioners to approve by resolution the observance of the week of May 6, 2018 through May 12, 2018 as National Corrections Officer Week.

Sincerely,

Michael J. Murphy  
Sheriff

RESOLUTION

NO: 2018-05-095

LIVINGSTON COUNTY

DATE: May 7, 2018

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**Resolution Recognizing the Observance of National Police Week, May 13, 2018 thru May 19, 2018 - Sheriff**

**WHEREAS,** by joint resolution on October 1, 1962, President John F. Kennedy signed Public Law 87-726 declaring May 15 as National Peace Officers Memorial Day and the calendar week in which May 15 falls as National Police Week, an annual tribute to law enforcement service and sacrifice; and

**WHEREAS,** National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others; and

**WHEREAS,** National Police Week is a collaborative effort of many organizations dedicated to honoring America's law enforcement community; and

**WHEREAS,** Livingston County recognizes the bravery, courage, honor and integrity exhibited by our Livingston County Sheriff's Office Deputies every day and wishes to express how much their service and protection of our communities is valued; and

**WHEREAS,** Livingston County is aware that a Sheriff's Deputy swears to uphold the U. S. Constitution and the Constitution of Michigan and is entrusted with the honor of the Sheriff's Office; and

**WHEREAS,** a Deputy serves honestly and faithfully, and if necessary, will lay down their life in defense of another, as others have done before them.

**THEREFORE, BE IT RESOLVED** that the Livingston County Board of Commissioners hereby acknowledges Public Law 87-726 to declare the week of May 13<sup>th</sup> through May 19<sup>th</sup>, 2018, National Police Week in honor of the contributions and accomplishments of the men and women who are essential to the operation of the Livingston County Sheriff's Office.

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**MOVED:  
SECONDED:  
CARRIED:**



**LIVINGSTON COUNTY SHERIFF'S OFFICE**

150 S. Highlander Way  
Howell, Michigan 48843-2323  
(517) 546-2440  
[www.livingstonsheriff.com](http://www.livingstonsheriff.com)

April 24, 2018

Livingston County Board of Commissioners  
Administration Building  
304 E. Grand River  
Howell, MI 48843

Re: Observance of National Police Week

Dear Board of Commissioners:

I respectfully request the Livingston County Board of Commissioners to approve by resolution the observance of the week of May 13, 2018 through May 19, 2018 as National Police Week.

Sincerely,

Michael J. Murphy  
Sheriff

RESOLUTION

NO: 2018-05-096

LIVINGSTON COUNTY

DATE: May 7, 2018

**Resolution Approving Appointments to the Livingston County Parks & Open Space Advisory Committee  
- Board of Commissioners**

**WHEREAS,** the terms of representatives on the Livingston County Parks & Open Space Advisory Committee have expired; and

**WHEREAS,** the following appointments have been recommended:

**Parks & Open Space Advisory Committee**

Brian Jonckheere.....	Term expires 3.31.2019
Chris Folts .....	Term expires 3.31.2019
Jan Lobur .....	Term expires 3.31.2019
Michael Arens .....	Term expires 3.31.2019
James Sparks .....	Term expires 3.31.2019
Gary Edwards .....	Term expires 3.31.2019
Bill Call .....	Term expires 3.31.2019
Bill Rubin .....	Term expires 3.31.2019
Claire Stevens .....	Term expires 3.31.2019

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby approves the above referenced appointments and expiration dates.

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MOVED:  
SECONDED:  
CARRIED: