



BOARD OF COMMISSIONERS

AGENDA

January 14, 2019

7:30 PM

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

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

Pages

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. CORRESPONDENCE 3
 - a. Bay County Resolution 2019-12 Urging Legislators to Revise the Medicare Prescription Drug Bill of 2003
5. CALL TO THE PUBLIC
6. APPROVAL OF MINUTES 4
 - a. Minutes of Meeting Dated: January 2, 2019
 - b. Minutes of Meeting Dated: January 9, 2019
7. TABLED ITEMS FROM PREVIOUS MEETINGS
8. APPROVAL OF AGENDA
9. REPORTS
10. APPROVAL OF CONSENT AGENDA ITEMS
Resolution 2019-01-004
 - a. 2019-01-004 12
Resolution Authorizing Capital Expenditure, Issuance of Purchase Orders, and Supplemental Appropriation for Approved 2019 Vehicle Purchases – Car Pool

11. RESOLUTIONS FOR CONSIDERATION

Resolutions 2019-01-005 through 2019-01-008

- | | | |
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| a. | 2019-01-005 | 16 |
| | Resolution Authorizing Livingston County to Purchase Notes issued by the Livingston No. 29 Drainage District – Drain Commissioner | |
| b. | 2019-01-006 | 23 |
| | Resolution Appointing the Livingston County Public Defender Administrator - County Administration | |
| c. | 2019-01-007 | 24 |
| | Resolution Approving Appointments to Livingston County Boards and Committees - Board of Commissioners | |
| d. | 2019-01-008 | 25 |
| | Resolution to Authorize Entering into a Contract for Construction Management of the Sheriff Storage Facility - Sheriff | |

12. CALL TO THE PUBLIC

13. CLOSED SESSION

Discuss Written Legal Opinion Pursuant to MCL 15.268(h)

14. ADJOURNMENT

BAY COUNTY BOARD OF COMMISSIONERS

JANUARY 8, 2019

RESOLUTION

- BY: COMMISSIONER KIM J. COONAN, 4TH DISTRICT (1/8/19)
- WHEREAS, Health care costs continue to rise for all Americans and, for some Americans, this increase can be devastating; and
- WHEREAS, Medicare is the focus of many lawmakers who portray it as an "entitlement" program that costs the Treasury too much money. Technically, the term "entitlement" is correct but it has an unfortunate connotation; and
- WHEREAS, Medicare is an essential medical plan that millions of seniors and disabled individuals depend upon to stay alive. Medicare is not a gift, as the term "entitlement" suggests. Many of the beneficiaries have worked their entire adult life and paid into the system in order to receive this crucial medical plan; and
- WHEREAS, Due to spiraling costs largely associated with the price of prescription medications, our elected officials find themselves passing on increased costs to those who can least afford that increase, namely senior citizens and disabled individuals who are on Medicare's Part D drug program; and
- WHEREAS, When congress enacted Medicare Prescription Drug Bill they enacted a law that does not allow Medicare to negotiate with pharmaceutical companies for drug price the way Medicaid and the Veterans Administration does; and
- WHEREAS, One economist, Dean Baker, estimates that Medicare could have saved approximately \$332 billion dollars between 2006 and 2013 (approximately \$50 billion a year) had the Department of Health and Human Services been permitted to negotiate prices of drugs with the drug companies, as federal agencies do in other programs; and
- WHEREAS, Rising prescription drug costs have been the primary reason for the increase in health benefit costs; and
- WHEREAS, The increasing cost of prescription drugs and outrageous profits made by pharmaceutical companies is a systemic problem that significantly affects our state and our nation. It deserves non-partisan effort; and
- WHEREAS, We must prevent our elected officials from balancing the budget on the backs of those who can least afford it, the elderly and disabled. Increases in premiums and drug costs are unacceptable ways to deal with a flawed Medicare Prescription Drug Bill; and
- WHEREAS, We must preserve the Medicare program as it currently exists and to do so requires immediate action to cut unnecessary costs, particularly in the area of prescription drug coverage; and
- WHEREAS, We must revise the Medicare Prescription Drug Bill of 2003 to allow negotiating lower drug prices and the importation of identical, cheaper, drugs from Canada and elsewhere; and
- WHEREAS, We cannot allow the previously approved bill to stand as adopted at the risk of having the Medicare program be the cause of a staggeringly increasing deficit which will require tax increases or cuts to the rest of the government, nor can we allow the continuance of price increases to our citizens cause many to contemplate discontinuing medically necessary drugs in order to pay their bills, heat their houses and have food on the table; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners goes on record urging our Legislators to immediately commence the process of revising the Medicare Prescription Drug Bill of 2003 to allow negotiating lower drug prices and the importation of identical, cheaper drugs from Canada and elsewhere; Be It Further
- RESOLVED That a copy of this resolution be forwarded to our area Federal and State Legislators, the National Association of Counties, the Michigan Association of Counties and the other Michigan counties.

KIM J. COONAN, 4TH DISTRICT
COUNTY COMMISSIONER

Coonan - Revision to Medicare Prescription Drug Bill of 2003

MOVED BY COMM. KRYGIERSUPPORTED BY COMM. COONAN

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	X			KIM J. COONAN	X			MICHAEL E. LUTZ	X		
ERNIE KRYGIER	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			TOM RYDER	X						

VOTE TOTALS:

 ROLL CALL: YEAS 7 NAYS 0 EXCUSED 0
 VOICE: YEAS 7 NAYS 0 EXCUSED 0

 DISPOSITION: ADOPTED X DEFEATED WITHDRAWN
 AMENDED CORRECTED REFERRED

**LIVINGSTON COUNTY BOARD OF COMMISSIONERS
MEETING MINUTES**

January 2, 2019, 7:30 p.m.

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

Members Present: K. Lawrence, W. Green, W. Nakagiri, D. Helzerman, D. Parker, R. Bezotte,
C. Griffith, D. Dolan, and G. Childs

1. CALL MEETING TO ORDER

The meeting was called to order by the County Clerk, Elizabeth Hundley at 7:30 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

Jordan Genso, Brighton City, spoke regarding the broadcasting of the Board meetings.

6. APPROVAL OF MINUTES

1. Minutes of Meeting Dated: December 17, 2018

2. Minutes of Meeting Dated: December 27, 2018

Motion to approve the minutes as presented.

It was moved by R. Bezotte

Seconded by K. Lawrence

MOTION Carried (9-0-0)

7. TABLED ITEMS FROM PREVIOUS MEETINGS

None.

8. APPROVAL OF AGENDA

Motion to approve the Agenda as presented.

It was moved by K. Lawrence

Seconded by D. Dolan

MOTION Carried (9-0-0)

9. REPORTS

None.

10. APPROVAL OF CONSENT AGENDA ITEMS

None.

11. RESOLUTIONS FOR CONSIDERATION

Resolutions 2019-01-001 through 2019-01-003

11.a 2019-01-001

Election of Board Chair for 2019

Commissioner Childs nominated Commissioner Parker for Chair of the Livingston County Board of Commissioners for 2019. Commissioner Helzerman seconded the nomination.

MOTION Carried (9-0-0)

Commissioner D. Parker elected Chair of the Livingston County Board of Commissioners for 2019.

Meeting turned over to Board Chair D. Parker.

11.b 2019-01-002

Election of Board Vice-Chair for 2019

Commissioner Bezotte nominated Commissioner Dolan for Vice-Chair of the Livingston County Board of Commissioners for 2019. Commissioner Green seconded the nomination.

MOTION Carried (9-0-0)

Commissioner D. Dolan elected Vice-Chair of the Livingston County Board of Commissioners for 2019.

11.c 2019-01-003

Resolution Adopting Rules of the Livingston County Board of Commissioners and to Establish Meeting Dates for 2019 – Board of Commissioners

Chair D. Parker presented Resolution 2019-01-003 requesting a friendly amendment to include the addition of a Finance Committee Meeting on Feb. 20, 2019 to the Meeting Dates for 2019.

Discussion.

Motion to adopt the Resolution as presented.

Discussion.

Motion to amend the resolution to include five amendments (included in attached document titled Nakagiri proposed amendments to the 2019 Rules for the Livingston County Board of Commissioners) to the 2019 Board Rules proposed by Commissioner W. Nakagiri.

It was moved by W. Nakagiri

Seconded by D. Helzerman

Discussion

Commissioner D. Helzerman withdrew his support.

MOTION FAILS FOR LACK OF SECOND

Motion reiterated by Chairperson D. Parker to adopt the Resolution with a friendly amendment to include the addition of a Finance Meeting on Feb 20, 2019 to the Meeting Dates for 2019.

Discussion.

It was moved by C. Griffith
Seconded by W. Nakagiri

MOTION Carried (8-1-0)

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

Motion to affirm Committee Distribution and Sub-Committee Assignments for 2019 as presented.

Motion to affirm.

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

MOTION Carried (9-0-0)

12. CALL TO THE PUBLIC

Jordon Genso, Brighton City, thanked the Board for all they do and remarked on the broadcasting of meetings.

13. ADJOURNMENT

Motion to adjourn the meeting at 8:10 p.m.

It was moved by D. Helzerman
Seconded by G. Childs

MOTION Carried (9-0-0)

Elizabeth Hundley, Livingston County Clerk

Nakagiri proposed amendments to the 2019 Rules for the Livingston County Board of Commissioners

Amendment 1

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Page 16 of 26- Agenda

IV- Committees

B. Duties of Standing Committees

1. FINANCE COMMITTEE. The Finance Committee shall consist of all members of the Board of Commissioners. It shall meet on the second and fourth Wednesdays of each month at 7:30a.m. unless determined otherwise. This Committee shall review all items having a financial impact on the County. All items of a financial nature which require Board consideration will first be considered by this Committee.

Amendment 2

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V- CONDUCT OF BOARD MEETINGS

D. Motions, Resolutions, and Committee Reports

4. MOTIONS TO RECONSIDER. A motion for the reconsideration of any question shall be in order if made by a Commissioner who voted on the prevailing side of the question, and is made on the same day or at the Board meeting next succeeding that on which the decision proposed to be reconsidered was made; providing, however, that a second reconsideration of any question or a reconsideration at a later date may be had with the consent of two-thirds (2/3) of the members elected and serving, but in such event, the moving member shall file written notice of his/her intention to move for a reconsideration in the office of the clerk of the Board at least one day before making such a motion.

Amendment 3

V- CONDUCT OF BOARD MEETINGS

L. PARLIAMENTARY AUTHORITY. Robert's Rules of Order, 10th Newly Revised, shall govern all questions of procedures which are not otherwise provided by the Rules, or by State law.

11 Pare

Amendment 4

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E. MEMBERS' MANUAL. As soon as possible after the adoption of these Rules, each member of the Board shall be provided with a manual, with appropriate dividers, or an electronic version of the same, containing the following information:

1. Names, addresses, and telephone numbers (home and business) of all Board members.
2. The most current Board Rules, as amended.
3. All County ordinances (excepting bonding ordinances).
4. All Board resolutions of continuing effect which relate in any manner to County affairs.
5. All statutory deadlines for action respecting taxes within the County.
6. All statutory deadlines for Board action, other than respecting taxes.
7. Said notebook or manual shall also include such other information as the Board, by resolution, from time to time, directs.
8. The names, email addresses, and phone numbers of the Directors of every county office.
9. The street addresses of all county buildings and which departments are located in them.
10. The names, titles, email addresses, and phone numbers of all persons appointed by the Board of Commissioners, and the terms of office (start date and end date).
12. The names of all county labor unions and the expiration dates of their contracts, and the estimated start date for negotiating the next contract.
13. The names and contact information for resources available to Livingston County Commissioners. This shall include, but not be limited to, MSU extension representative, Michigan Association of Counties, etc.
14. The approved budget document for the current year.
15. All county policies.

Each member of the Board shall be notified of changes in the above information and, from time to time, shall be provided with revised pages for the manual so that the information contained in the manual will be current.

Amendment 5

Page 14 of 14- Board Rules

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VIII AMENDMENT TO AND EFFECTIVE DATE OF THESE RULES

C. Roberts Rules of Order, Newly Revised, shall apply when these Board Rules do not address an issue.

**LIVINGSTON COUNTY BOARD OF COMMISSIONERS
MEETING MINUTES**

January 9, 2019

IMMEDIATELY FOLLOWING THE FINANCE COMMITTEE

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

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

1. CALL MEETING TO ORDER

The meeting was call to order by Chairperson Parker at 8:04 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 presented.

Moved By K. Lawrence

Seconded By D. Helzerman

Motion Carried (8-0-1)

6. FINANCE COMMITTEE RECOMMENDATION FOR APPROVAL OF CLAIMS

Dated: January 9, 2019

Motion to approve the Claims.

Moved By C. Griffith

Seconded By D. Helzerman

Motion Carried (8-0-1)

7. FINANCE COMMITTEE RECOMMENDATION FOR APPROVAL OF PAYABLES

Dated: December 28, 2018 through January 9, 2019

Motion to approve the Payables.

Moved By D. Dolan

Seconded By C. Griffith

Motion Carried (8-0-1)

8. CALL TO THE PUBLIC

None.

9. **ADJOURNMENT**

Motion to adjourn the meeting at 8:06 a.m.

Moved By D. Helzerman

Seconded By D. Dolan

Motion Carried (8-0-1)

Elizabeth Hundley, Livingston County Clerk

UNAPPROVED

RESOLUTION

NO: 2019-01-004

LIVINGSTON COUNTY

DATE: January 14, 2019

Resolution Authorizing Capital Expenditure, Issuance of Purchase Orders, and Supplemental Appropriation for Approved 2019 Vehicle Purchases – Car Pool

WHEREAS, the Livingston County Car Pool Department is requesting authorization to replace eleven (11) vehicles that have served their useful life based on age, mileage, and overall condition and to purchase two (2) additional vehicles requested by departments; and

WHEREAS, the recommended MY 2019 replacement/additional vehicles are as follows:

- Sheriff's Field Services Division: Three (3) Dodge Durango Pursuit, one (1) Dodge Charger Pursuit, one (1) Dodge Durango SXT, one (1) Dodge Ram Pickup, and one (1) Ford Explorer AWD
- Sheriff's Jail Division: One (1) Dodge Grand Caravan
- Building Inspection: Four (4) Ford F-150 4X4 (**includes 1 fleet addition**)
- Facilities Services: (1) One Ford Explorer AWD (**fleet addition**)

WHEREAS, all vehicles will be purchased from either the State of Michigan "MiDeal" cooperative government purchasing program or the Oakland County vehicle purchasing contract, whichever provides the best value, and vehicle upfitting will be performed by local contract vendors at a total cost not to exceed Four Hundred Thirty Five Thousand Five Hundred Seventy-Six dollars (\$435,576); and

WHEREAS, FY 2019 funds were budgeted for new and replacement vehicles, plus upfitting costs where applicable, in the departments' budgets but were erroneously omitted from the Car Pool budget and therefore a budget amendment for Car Pool is necessary in the amount of Four Hundred Nine Thousand Seventy-Six dollars (\$409,076); and

WHEREAS, the additional truck for Building Inspection was not budgeted for and therefore amendments to the Car Pool and Building Inspection budgets are necessary in the amount of Twenty Nine Thousand Eight Hundred Sixty-Two dollars (\$29,862) for the vehicle purchase and operating costs; and

WHEREAS, the Car Pool department will purchase all *replacement* vehicles using retained earnings collected from monthly departmental lease payments, and the purchase cost of the *additional* vehicles will be charged back to departments via MUNIS per the County's vehicle lease program; and

WHEREAS, the proposed amendments ensure compliance with the Uniform Budgeting and Accounting Act, as amended.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes the purchase of eleven (11) replacement vehicles and two (2) additional vehicles, plus upfitting costs where applicable, for an amount not to exceed Four Hundred Thirty Five Thousand Five Hundred Seventy-Six dollars (\$435,576).

BE IT FURTHER RESOLVED that a budget amendment for Car Pool is authorized in the amount of Four

Hundred Nine Thousand Seventy-Six dollars (\$409,076) to purchase the above vehicles.

BE IT FURTHER RESOLVED that budget amendments for the Building Inspection and Car Pool

Departments are authorized in the amount of Twenty Nine Thousand Eight Hundred Sixty-Two dollars (\$29,862) for the purchase of an additional Building Inspection truck plus operating costs.

BE IT FURTHER RESOLVED that all the vehicles are to be leased back to the individual departments by Car Pool per the established lease program.

BE IT FURTHER RESOLVED that the Car Pool Director is hereby authorized to dispose of decommissioned department vehicles being replaced per the County Purchasing/Disposal Policy.

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MOVED:
SECONDED:
CARRIED:



Memorandum

To: Livingston County Board of Commissioners
From: Greg Kellogg, Transportation Director
Date: 01/02/2019
Re: Resolution Authorizing Capital Expenditure, Issuance of Purchase Orders, and Budget Amendments for Approved 2019 Vehicle Purchases – Car Pool

The Livingston County Car Pool Department is requesting authorization to replace eleven (11) vehicles that have served their useful life based on age, mileage, and overall condition and to purchase two (2) additional vehicles (i.e., additions to the fleet) requested by departments.

FY 2019 funds were budgeted for new and replacement vehicles, plus upfitting costs where applicable, in the departments' budgets but were erroneously omitted from the Car Pool budget. Therefore, a budget amendment for Car Pool is necessary in the amount of \$409,076.

The additional Building Inspection truck was a late addition and will require amendments to both the Car Pool and Building Inspection budgets in the amount of \$29,862 apiece for the vehicle purchase (\$26,500) and six months of 2019 operating costs (\$3,362).

The Car Pool department will purchase all of the *replacement* vehicles using retained earnings collected from monthly departmental lease payments per the County's vehicle lease program. The purchase cost of the *additional* vehicles will be charged back to departments via MUNIS along with all vehicle operating costs.

All vehicles will be purchased from either the State of Michigan "MiDeal" cooperative government purchasing program or the Oakland County vehicle purchasing contract, whichever provides the best value. Vehicle upfitting will be performed by local contract vendors.

The total cost of the vehicles and upfitting shall not exceed \$435,576 (\$409,076 from the Car Pool budget amendment plus \$26,500 for the purchase of the additional Building Inspection truck).

The recommended MY 2019 replacement/additional vehicles are summarized in the table below:

Department	Vehicle	Quantity	Unit Cost	Replacement/ Addition	Contract
Sheriff Field Svcs.	Dodge Durango Pursuit	3	\$31,995	Replacement	Oakland
	Dodge Charger Pursuit	1	\$23,994	Replacement	Oakland
	RAM 4X4 Pickup	1	\$29,500	Replacement	Oakland
	Ford Explorer AWD	1	\$29,034	Replacement	MiDeal
	Dodge Durango SXT	1	\$30,316	Replacement	Oakland
Sheriff Jail	Dodge Grand Caravan	1	\$22,150	Replacement	MiDeal
Building Inspection	Ford F-150 4X4	3	\$26,238	Replacement	MiDeal
	Ford F-150 4X4	1	\$26,238	Addition	MiDeal
Facilities Services	Ford Explorer AWD	1	\$29,034	Addition	MiDeal

Please do not hesitate to contact me at **x7843** with any questions or to request additional detail on the vehicles included in this resolution.

RESOLUTION

NO: 2019-01-005

LIVINGSTON COUNTY

DATE: January 14, 2019

Resolution Authorizing Livingston County to Purchase Notes issued by the Livingston No. 29 Drainage District – Drain Commissioner

- WHEREAS,** the office of the Livingston County Drain Commissioner was petitioned by residents to establish a county drain in the area of Kern Road and Crofoot Road in the Township of Iosco due to flooding of basements and inundation of septic fields, and
- WHEREAS,** pursuant to the petition, proceedings have been taken under the Michigan Drain Code (Act 40, Public Acts of Michigan, 1956, as amended) to establish the Livingston No. 29 Drain Drainage District (the “Drainage District”) and the Livingston No. 29 Drain and to construct the Livingston No. 29 Drain (the “Project”), and
- WHEREAS,** design plans were subsequently developed by the Drainage District’s engineer for the Project to convey water to the Red Cedar River in order to protect private property from perennial flood damage, and
- WHEREAS,** the Project was recently bid and a computation of cost was developed which estimates a total project cost of \$770,000, and
- WHEREAS,** the cost of the Project will be paid by special assessments levied by the Drain Commissioner against benefitting property owners and public corporations in the Drainage District, including the Township of Iosco and the County of Livingston (the “County”), with those special assessments not being prepaid to be payable in 20 approximately equal annual installments, together with interest on the outstanding principal balance of the special assessments, and
- WHEREAS,** the Drainage District intends to issue a note (the “Note”) pursuant to Section 434 of the Drain Code to finance part of the cost of the Project in anticipation of the collection of the installments of the special assessments that are not being prepaid, and
- WHEREAS,** the Drainage District is extremely small in size, which will result in some assessments against property owners exceeding \$30,000, including interest, over the 20 year payback period of the Note, and
- WHEREAS,** in order to reduce interest rate costs to the property owners in the Drainage District, the Drain Commissioner has proposed that the County purchase the Note from available funds on deposit in the Drain Commissioner’s equipment revolving fund (Fund 639), and
- WHEREAS,** the Township of Iosco has agreed to prepay its at-large assessment in the amount of \$269,500 and the Drain Commissioner has requested the County to consider prepaying its at-large special assessment in the amount of \$269,500, which would enable the Drainage District to issue the Note in a principal amount of less than \$300,000 and avoid the necessity and the cost of receiving approval from the Michigan Department of Treasury to issue the Note, and
- WHEREAS,** the County has been advised by Dickinson Wright PLLC that it is authorized under Section 434 of the Drain Code to purchase the Note from available funds on deposit in Fund 639.

THEREFORE BE IT RESOLVED:

1. The County agrees to prepay its at-large assessment for the Livingston No. 29 Drain in the amount of \$269,500 on or before the date of issuance of the Note.
2. The County agrees to purchase the Note from available funds on deposit in Fund 639. The principal amount of the Note shall not exceed \$231,000, and the interest rate on the Note shall not be less than 2.25% per annum nor more than 2.50% per annum, as determined by the County Treasurer at the time of the issuance of the Note.
3. The County Treasurer and Finance Officer are authorized to effectuate respective transfers and budget amendments deemed necessary to accomplish the purposes of this resolution.

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MOVED:
SECONDED:
CARRIED:



Memorandum

To: Livingston County Board of Commissioners
From: Brian Jonckheere
Date: 12/26/2018
Re: RESOLUTION AUTHORIZING ISSUANCE OF
LIVINGSTON NO. 29 DRAINAGE DISTRICT NOTES

Background

The Project was petitioned in 2008 and 2009 by landowners in Iosco Township under Chapters 3 and 4 of the Michigan Drain Code, Act 40 of the Public Acts of 1956, as amended. A location map is shown in Figure 1. The Project was determined necessary by a Board of Determination in accordance with the provisions of MCL 280.72 in December of 2009.

Due to difficulties obtaining easements, several different routes for the drain were explored between 2009 and 2016. The service area of the proposed drain is shown in Figure 2, and is based upon an easement obtained in 2017 for a westerly outlet. The majority of the service area of the district is to the northeast of the intersection of Kern and Crofoot Roads. This consists of lands which included the historic location of the Kern Road Veterinary Clinic, which was relocated in 2004 to its current location on south Fowlerville Road.



Figure 1

What caused the problem:

There are stories about old farm tile being blocked intentionally, which is probably a significant portion of the problem. The reality is that the failure of old farm tile is an ongoing issue throughout the county. The vast majority of farm tile has long been forgotten and it is impossible to know exactly where it is

located and how it is functioning. Coupled with housing growth in these areas, the incidence of localized flooding due to these two factors is becoming more and more common.

Status of the Project

- Project has been designed and bid
 - Consists of combination of open ditch and 12” to 24” plastic pipe taking water from East of Kern to a basin on the West side of Kern.
 - Basin will incorporate infiltration into the ground and ultimately discharge to an existing 10” clay tile which outlets to the wetland area adjacent to the Red Cedar River
- Low bidder is E.T. Mackenzie out of Grand Ledge, Michigan
- Total project cost is computed at \$770,000
- Only 27 Properties in district with assessments ranging from \$2,500 to \$25,000. Due to the small size of the district, several factors were incorporated into the roll, as a means of assessing according to the principal of “benefit derived” in MCL 280.152. Three of the parcels have an assessment exceeding \$22,000.
- Iosco Township has committed to prepaying its portion of the project cost.
- County’s portion is \$269,500.
- Remaining \$231,000 to be assessed to properties over twenty year period

Financial Status

- Received bid of 4.69% from Hastings bank
- Some parcels will ultimately pay in excess of \$35,000 including interest over 20 yr repayment period
- Approached Bond Counsel, Terry Donnelly at Dickinson Wright, et al regarding funding the project through our equipment revolving fund (fund 639) in an effort to reduce interest costs
 - Issued opinion indicating that this could be done with approval of County Board
 - Would save some of the larger parcels in excess of \$8,000 to \$10,000 at 2.75% interest rate

Fund 639 was created by the county in 1982, as a means of providing a funding source for maintenance operations (stormwater and sanitary drainage districts) of my office. Currently, it has a sufficient balance to allow for a borrowing of this size. The revolving nature of this fund results in most expenses being charged a set rate for equipment, and assessment districts are not typically charged interest for the short term nature of these transactions. Terry Donnelly of Dickinson, Wright, et. al. has opined that a loan from fund 639 can be used to provide funds for the Livingston No. 29 Drain Note, at a rate to be agreed upon between the County Treasurer and myself.

- If loan exceeds \$300,000, the Michigan Department of Treasury will require a qualifying opinion for the note at a cost of approximately \$10,000
- If loan is less than \$300,000, no qualifying opinion is required and bond counsel cost is approx. \$5,000.

After discussions with Jennifer Nash, we have agreed that a 2.25% interest rate with an additional 0.5% added to cover early payoffs would be acceptable.

Action Requested from the Livingston County Board of Commissioners

The resolution presented to the Livingston County Board of Commissioners seeks the following:

1. Authorization to prepay the County apportionment of \$269,500 for the Project; and
2. Authorization for the County to purchase the note, funded with proceeds from Fund No. 639, the Equipment revolving fund, in an amount not to exceed \$250,000 if the County elects to prepay its apportionment. If the county does not elect to prepay its apportionment, the requested note amount using proceeds from Fund No. 639 is not to exceed \$550,000.

The project is expected to begin in January of 2019 with a completion date of spring 2019.

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

Ken Recker

From: Terence M. Donnelly <TDonnelly@dickinson-wright.com>
Sent: Monday, December 17, 2018 2:10 PM
To: Ken Recker
Cc: Aaron Everest; Laura M. Bassett
Subject: [EXT] Livingston No. 29 Drain

"The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin."

Ken,

Following up on our telephone call on Friday, this will confirm the advice we have previously given you that it is our opinion that the County is authorized to buy the notes to be issued by the Livingston No. 29 Drain Drainage District under Section 434 of the Drain Code to construct the Livingston No. 29 Drain with funds to be made available to the County from the Equipment Revolving Fund.

Let me know if there is any further information that you need from us at this time. Thanks.

Terry

Terence M. Donnelly Member

2600 W. Big Beaver Rd. Phone 248-433-7224
Suite 300 Fax 844-670-6009
Troy MI 48084 Email TDonnelly@dickinsonwright.com



DICKINSON WRIGHT PLLC

ARIZONA CALIFORNIA FLORIDA KENTUCKY MICHIGAN NEVADA OHIO
TENNESSEE TEXAS WASHINGTON D.C. TORONTO

The information contained in this e-mail, including any attachments, is confidential, intended only for the named recipient(s), and may be legally privileged. If you are not the intended recipient, please delete the e-mail and any attachments, destroy any printouts that you may have made and notify us immediately by return e-mail.

Neither this transmission nor any attachment shall be deemed for any purpose to be a "signature" or "signed" under any electronic transmission acts, unless otherwise specifically stated herein. Thank you.

Legend

Enclosed Drain

- Existing Private Drain
- Proposed Livingston No. 29 Drain
- Open Drains
- Proposed Stormwater Basin
- Special Assessment District for Drain
- Approximate Property Line (Address shown)



Livingston County Drain Commissioner
2300 E Grand River
Howell, MI. 48843
Orthophoto Flown 2015
Printed December 21, 2018

FIGURE 2

Livingston No. 29 Drain and Drainage District, Part of Iosco Twp.



1 inch = 500 feet

RESOLUTION

NO: 2019-01-006

LIVINGSTON COUNTY

DATE: January 21, 2019

RESOLUTION APPOINTING THE LIVINGSTON COUNTY PUBLIC DEFENDER ADMINISTRATOR - COUNTY ADMINISTRATION

WHEREAS, Livingston County has a need to fill the newly created Public Defender Administrator position; and

WHEREAS, this position is vital to Livingston County operations and consistent with the Michigan Indigent Defense Commission-approved plan for public defender services in Livingston County; and

WHEREAS, the position vacancy was posted both internally and externally and seven (7) applicants were interviewed by a cross-discipline interview panel; and

WHEREAS, based on his education and proven administrative experience, James VerPloeg is recommended for the position as Administrator; and

WHEREAS, this position was budgeted for and is an authorized position in the 2019 Operating budget.

THEREFORE BE IT RESOLVED that Livingston County Board of Commissioners hereby accepts the recommendation of the County Administrator to make a conditional offer of appointment to **James VerPloeg** as the Livingston County **Public Defender Administrator**, contingent upon him fulfilling to the sole satisfaction of the County all County post-interview requirements and verifications.

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**MOVED:
SECONDED:
CARRIED:**

RESOLUTION

NO: 2019-01-007

LIVINGSTON COUNTY

DATE: January 14, 2019

**Resolution Approving Appointments to Livingston County Boards and Committees
- Board of Commissioners**

WHEREAS, the terms of representatives on the following Livingston County Boards and Committees have expired; and

WHEREAS, the following appointments have been recommended:

Community Mental Health Authority Board

Dagmar Brooks Term expires 12.31.2021

Area Agency on Aging I-B

Terese Gainer Term expires 12.31.2021

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

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**MOVED:
SECONDED:
CARRIED:**

RESOLUTION

NO: 2019-01-008

LIVINGSTON COUNTY

DATE: January 14, 2019

Resolution to Authorize Entering into a Contract for Construction Management of the Sheriff Storage Facility - Sheriff

WHEREAS, Resolution 2017-11-202 authorized the construction of a storage facility for the Sheriff Department at an amount not to exceed \$800,000 and Resolution 2018-09-146 authorized an amendment to that resolution to increase the project to an amount not to exceed \$828,000; and

WHEREAS, Livingston County went out for bid for construction management to lead both the projects of construction of a new 911 Facility and the construction of a new Storage Facility for the Sheriff Department, and the Construction Committee recommends hiring JS Vig Construction to oversee the Sheriff Storage Facility project; and

WHEREAS, the recommended total awarded bids for construction costs (\$753,203), architectural and engineering costs (\$49,161), as well as miscellaneous project costs (\$25,636) for items such as utilities, information technology equipment, and builders risk insurance, bring the total cost of the project to an amount not to exceed \$828,000.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorize entering into a contract with JS Vig of Taylor, Michigan for the construction management of a new Sheriff Storage Facility for an amount not to exceed \$753,203.

BE IT FURTHER RESOLVED that the Livingston County Board of Commissioners authorizes the Construction Committee the authority to expend funds as necessary for the construction of a new Sheriff Storage Facility at a total project cost not to exceed \$828,000.

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

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**MOVED:
SECONDED:
CARRIED:**

PROBABLE COST STATEMENT

Lindhout Associates architects aia pc

10465 citation drive, brighton, mi 48116

www.lindhout.com

810-227-5668 (fax) 810-227-5855



Livingston County Sheriff - New Storage Facility

COMM. NO. 18041

OVERALL PROJECT PROBABLE COST STATEMENT

Revised 08/10/18

COMPONENT DESCRIPTION	UNITS	UNIT COST	TOTAL
ESTIMATED BUILDING CONSTRUCTION COSTS			
J.S. Vig - Revised Budget Estimate 08/10/2018 (Includes OH&P and Contingency Funds)			\$753,203.00
			\$753,203.00
COST OF BUILDING CONSTRUCTION			\$753,203.00
ARCHITECTURAL & ENGINEERING FEES			
ARCHITECTURAL FEES	5.00%	\$753,203.00	\$37,660.15
CIVIL ENGINEERING FEE - BOSS			\$11,500.00
			\$49,160.15
MISCELLANEOUS EXPENSES / OWNER FFE			
SOIL BORING - Hastings Testing Engineers	1 l.s.	\$1,750.00	\$1,750.00
COUNTY I.T. (Allowance)	1 l.s.	\$10,000.00	\$10,000.00
BUILDERS RISK INSURANCE (Portion of 911)	1 l.s.	\$1,275.00	\$1,275.00
			\$13,025.00
MUNICIPAL & UTILITY FEES			
CONSUMERS: GAS METER RELOCATION	1 l.s.	\$2,000.00	\$2,000.00
DTE: ELECTRIC PRIMARY CABLING	50 lin. ft.	\$4.30	\$215.00
DTE: LINE UPGRADE/IMPROVEMENTS/MISC.	1 l.s.	\$2,000.00	\$2,000.00
MUNICIPAL SITE PLAN REVIEW FEE	1 l.s.	\$7,635.00	\$7,635.00
MUNICIPAL WATER METER FEE	1 l.s.	\$700.00	\$700.00
			\$12,550.00
LIVINGSTON COUNTY 911 TOTAL			\$827,938.15