

## GRAND TRAVERSE COUNTY BOARD OF COMMISSIONERS

Wednesday, March 6, 2019 @ 8:00 a.m.

Governmental Center, 2<sup>nd</sup> Floor Commission Chambers  
400 Boardman, Traverse City, MI 49684

### General Meeting Policies:

- ❖ Please turn off all cell phones or switch them to silent mode.
- ❖ Any person may make a video, audio or other record of this meeting. Standing equipment, cords, or portable microphones must be located so as not to block audience view.

If you need auxiliary aid assistance, contact 231-922-4760.

### CALL TO ORDER:

#### 1. OPENING CEREMONIES, EXERCISES, OR INVOCATION (LaPointe)

(If the opening ceremonies include an invocation, the invocation should precede all other ceremonies, such as the singing of the National Anthem or Pledge of Allegiance, and shall be done in accordance with an invocation policy as adopted by the Board of Commissioners.)

#### 2. ROLL CALL:

#### 3. APPROVAL OF MINUTES:

(Reading aloud is waived as long as the Board has been furnished a copy in the packet prior to the meeting)

|   |   |
|---|---|
| a. Minutes of February 20, 2019 (Regular Meeting) ..... | 3 |
| b. Minutes of February 27, 2019 (Study Session) .....   | 8 |

#### 4. FIRST PUBLIC COMMENT

Any person shall be permitted to address a meeting of the Board of Commissioners which is required to be open to the public under the provision of the Michigan Open Meetings Act. Public Comment shall be carried out in accordance with the following Board Rules and Procedures:

Any person wishing to address the Board shall state his or her name and address.

No person shall be allowed to speak more than once on the same matter, excluding time needed to answer Commissioners' questions, if any. The Chairperson shall control the amount of time each person shall be allowed to speak, which shall not exceed three (3) minutes. The Chairperson may, at his or her discretion, extend the amount of time any person is allowed to speak.

Public comment will be solicited during the two public comment periods noted in Rule 5.4, Order of Business. However, public comment will generally be received at any time during the meeting regarding a specific topic currently under discussion by the board. Members of the public wishing to comment should raise their hand or pass a note to the clerk in order to be recognized, and shall not address the board until called upon by the chairperson. Please be respectful and refrain from personal or political attacks.

#### 5. APPROVAL OF AGENDA

#### 6. CONSENT CALENDAR:

The purpose of the Consent Calendar is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff or the public may ask that any item on the Consent Calendar be removed and placed elsewhere on the agenda for full discussion. Such requests will be automatically respected.

If any item is not removed from the consent calendar, the action noted (receive & file or approval) is approved by a single Commission action adopting the consent calendar.

All Information identified on the Consent Calendar can be viewed in it's entirety at [www.grandtraverse.org](http://www.grandtraverse.org).

|     |   |     |
|-----|---|-----|
| a.  | Receive:  |     |
| 1)  | Northern Lakes Community Mental Health Minutes of January 17, 2019 .....                              | 10  |
| 2)  | Department of Health & Human Services minutes of January 25, 2019 (Pavilions) .....                   | 15  |
| b.  | Approvals:  |     |
| 1)  | 2019 Hauler Licenses .....  | 19  |
| 2)  | Scrap Tire Grant .....  | 21  |
| 3)  | Federal Award Grant Policy.....   | 33  |
| 4)  | FY2019 Budget Amendments.....   | 40  |
| 5)  | Medical Services Contract for Jail Inmates .....  | 47  |
| 6)  | NG911 Call Handling System Agreements .....   | 55  |
| c.  | Action:   |     |
| 7.  | SPECIAL ORDERS OF BUSINESS:   |     |
| a.  | Cherry Capital Airport – Airport Governance Models (Klein) .....                                      | 65  |
| b.  | Department of Health & Human Services – Universal Caseload Problem (Rizzo) .....                      | 79  |
| 8.  | ITEMS REMOVED FROM CONSENT CALENDAR   |     |
| 9.  | DEPARTMENTAL ITEMS:   |     |
| a.  | FINANCE:  |     |
| 1)  | Approval of Wheelock & Sons Welding Inc. Invoice.....   | 84  |
| c.  | ADMINISTRATION/BOC:   |     |
| 1)  | Community Development Block Grant (CDBG) Housing Loan Program<br>Income Administration Agreement..... | 87  |
| 2)  | Director of Equalization .....  | 107 |
| 10. | OLD/UNFINISHED BUSINESS:  |     |
| a.  | Appointment of Ad Hoc Committee for Code of Ethics  |     |
| b.  | Appointment of Board Representative to Northern Lakes Community Mental Health                         |     |
| 11. | NEW BUSINESS:   |     |
| a.  | Appoint Ad Hoc Committee–Interview to Fill Vacancies & Recommend Appointments                         |     |
| b.  | Additional Changes to Board Rules .....   | 109 |
| c.  | Amendments to Per Diem Policy .....   | 152 |
| 12. | SECOND PUBLIC COMMENT (Refer to Rules under Public Comment/Input above.)                              |     |
| 13. | COMMISSIONER/DEPARTMENT REPORTS:  |     |
| a.  | NACo Report (Coffia)  |     |
| 14. | NOTICES:  |     |
| 15. | CLOSED SESSION:   |     |
| 16. | ADJOURNMENT   |     |

GRAND TRAVERSE COUNTY  
BOARD OF COMMISSIONERS

Regular Meeting  
February 20, 2019

Chairman Hentschel called the meeting to order at 8:00 a.m. at the Governmental Center.

OPENING CEREMONIES, EXERCISES OR INVOCATION

Commissioner Coffia gave opening remarks which was followed by the Pledge of Allegiance to the Flag of the United States of America.

PRESENT: Ron Clous, Betsy Coffia, Bryce Hundley, Brad Jewett, Addison Wheelock, Jr. and Rob Hentschel

EXCUSED: Gordie LaPointe

APPROVAL OF MINUTES

Minutes of February 6, 2019 Regular Meeting

Moved by Hundley, seconded by Clous to approve the minutes. Motion carried.

PUBLIC COMMENT

**Matthew Schoech** spoke about the history of “money”

**Ann Rogers** opposed to new start time for meetings.

**Dave Petrove** spoke about the Rennie School Road Development Amended Brownfield Plan.

APPROVAL OF AGENDA

Moved by Clous, seconded by Jewett to approve the agenda with the removal of Item 10a, Invocation Policy Request Clarification.

Roll Call Vote: Yes 3, No 3, Excused 1

Nay: Hundley, Coffia, and Wheelock

Motion failed

Moved by Wheelock, seconded by Coffia to approve the agenda as presented.

Roll Call Vote: Yes 3, No 3, Excused 1

Nay: Clous, Jewett, and Hentschel

Motion failed

Moved by Wheelock, seconded by Clous to adjourn the meeting since they cannot approve a meeting agenda.

Nate Alger, County Administrator, suggested that Commissioner Coffia speak about the Invocation Policy clarification under Commissioner Reports.

Commissioners Wheelock and Clous withdrew their motion to adjourn the meeting.

Moved by Coffia, seconded by Clous to approve the agenda with the removal of Item 10a.

Roll Call Vote: Yes 4, No 2, Excused 1

Nay: Jewett and Hentschel

#### CONSENT CALENDAR

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#### A. RECEIVE AND FILE

1. Northwestern Regional Airport Commission minutes of December 18, 2018 – *Removed from calendar.*
2. Michigan Townships Association Minutes of February 7, 2019
3. Road Commission Monthly Report

#### B. APPROVALS

1. Minimum Wage Change (Non contract) – *Removed from calendar.*
2. Resolution 28-2019  
Human Resources  
Michigan Paid Sick Leave Law  
Personal Time Policy Update
3. Resolution 29-2019  
Administration  
Land Information Access Association (LIAA) Contract
4. Resolution 30-2019  
Finance  
January 2019 Claims Approval
5. Resolution 31-2019  
Finance  
FY2019 Budget Amendments

## **ACTION ON THE CONSENT CALENDAR**

After the County Clerk read the Consent Calendar for the record, the following items were removed:

A-1 Page 10 By Dave Petrove

B-1 Page 20 By Dave Petrove

Moved by Hundley, seconded by Coffia to approve the Consent Calendar minus items A-1 and B-1.

Roll Call Vote: Yes 6, Excused 1

## **SPECIAL ORDERS OF BUSINESS**

None

## ITEMS REMOVED FROM CONSENT CALENDAR

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A-1 Northwestern Regional Airport Commission minutes of December 18, 2018.

**Dave Petrove** spoke about the need for sidewalks on Garfield Road, which the airport said they cannot do.

Moved by Wheelock, seconded by Jewett to Receive and File A-1 Northwestern Regional Airport Commission minutes of December 18, 2018. Motion carried.

## B-1 Minimum Wage Change (Non Contract)

**Dave Petrove** spoke about the minimum wage law.

**Matthew Schoech** spoke about currency losing its value.

Donna Kinsey, Human Resource Director, answered Commissioners' questions regarding the new law and the County's pay scales.

Resolution 32-2019  
Human Resources  
Minimum Wage Change  
Non-Contract

Moved by Wheelock, seconded by Clous to approve Resolution 32-2019. Motion carried.

## DEPARTMENT ACTION ITEMS

## a. Administration

1) Traverse Area District Library (TADL) Board Selection Policy  
Chris Forsyth, Deputy County Administrator, explained the new selection policy to help clarify the agreement between the City and County regarding TADL Board appointments.

**Andy Marek**, former TADL board member, answered Commissioners' questions regarding how millage dollars are distributed between the member libraries.

Resolution 33-2019  
Approval of the Traverse Area District Library  
Board Selection Policy

Moved by Wheelock, seconded by Clous to approve Resolution 33-2019.  
Motion carried.

**b. Finance**

1) Refunding Grand Traverse County Wastewater Treatment Bonds

Dean Bott, Finance Director, indicated that the refunding of the bonds would generate approximately \$150,000 in savings due to the lower interest rates. The County can issue the refunding bonds at interest rates ranging from 2.4 to 2.6% versus the coupon rate of 4%.

Resolution 34-2019  
To Authorize the Issuance of Not to Exceed \$6,600,000  
Grand Traverse County  
Wastewater Treatment Plant Upgrade  
Refunding Bonds, Series 2019

Moved by Wheelock, seconded by Hundley to approve Resolution 34-2019.  
Motion carried.

**c. Facilities**

1) Commission Chambers Audio Upgrade

Joe Berry, Facilities Director, explained the bids received and the details of the upgrade to the Commission Chamber's audio equipment. The City of Traverse City will pay for part of the upgrade.

Resolution 35-2019  
Facilities  
Commission Chambers Audio Upgrade  
Waara Technologies

Moved by Wheelock, seconded by Jewett to approve Resolution 35-2019.  
Motion carried.

OLD/UNFINISHED BUSINESS

a. Invocation Policy – Request for Clarification (Coffia) – **Removed from agenda.**

NEW BUSINESS

None

PUBLIC COMMENT

**Ted Iorio** spoke about clarifying the Invocation Policy.

**Ann Rogers** spoke about local and global issues.

**Matthew Schoech** spoke about currency being devalued.

**Andy Marek** spoke in favor of the meeting start time.

**Dave Petrove** opposed to meeting start time.

**Kathleen Kieting** opposed to Invocation Policy and meeting start time.

COMMISSIONER/DEPARTMENT REPORTS

Commissioners gave reports of meetings and events they attended.

Commissioner Coffia requested clarification on the Invocation Policy. Kit Tholen, Deputy Civil Counsel, answered Commissioner Coffia's questions regarding the process for how people can request to be allowed to give the invocation according to the Invocation Policy.

NOTICES

**Current Job Openings**

Chairman Hentschel directed the public to go to our website, [www.grandtraverse.org](http://www.grandtraverse.org), Human Resources Department, to get information on current job openings.

**February 27, 2019 – Study Session**

**March 6, 2019 – Regular Meeting**

**March 20, 2019 – Regular Meeting**

CLOSED SESSION

None

Meeting adjourned at 9:49 a.m.

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\_\_\_\_\_  
Bonnie Scheele County Clerk

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\_\_\_\_\_  
Rob Hentschel, Chairman

APPROVED: \_\_\_\_\_  
(Date) \_\_\_\_\_ (Initials)

GRAND TRAVERSE COUNTY  
BOARD OF COMMISSIONERS

Study Session  
February 27, 2019

Chairman Hentschel called the meeting to order at 8:01 a.m. at the Governmental Center.

**OPENING CEREMONIES OR EXERCISES**

The Pledge of Allegiance to the Flag of the United States of America was recited.

PRESENT: Gordie LaPointe, Ron Clous, Brad Jewett, Bryce Hundley, Betsy Coffia  
Addison Wheelock, Jr. (8:09 a.m.) and Rob Hentschel

**PUBLIC COMMENT**

**Ann Rogers** opposed to meeting start time.

**John Despelder** made comments about the Code of Ethics discussion.

**Donna Hornberger** opposed to meeting start time.

**CODE OF ETHICS DISCUSSION**

The agenda packet included the following information for the Commissioners' to refer to during their discussion.

- a) Code of Ethics for Grand Traverse County Employees and Officials
- b) Voting – Abstention Due to Personal Interest
- c) Antrim County Conflict of Interest Policy
- d) Code of Ethics and Conduct for Emmet County Commissioners
- e) Ethics Handbook for Michigan Municipalities
- f) Model Ethics Ordinance for Local Units of Government

**PRESENTATION BY CIVIL COUNSEL**

Kit Tholen, Deputy Civil Counsel gave a presentation on Code of Ethics.

Commissioners discussed the various options for commissioners, elected officials, and staff regarding having a Code of Ethics policy.

**PUBLIC COMMENT**

**John Despelder** made comments about the Code of Ethics discussion

**Linda Pepper** requested clarification if each commissioner represents just the voters in their district or the County as a whole when making decisions.

**Dave Petrove** made comments about the Commissioners writing their own Code of Ethics policy.

**ADJOURNMENT**

Meeting adjourned at 9:50 a.m.

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Bonnie Scheele, County Clerk

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Rob Hentschel, Chairman

APPROVED: \_\_\_\_\_  
(Date) \_\_\_\_\_ (Initials)

## **1. CALL TO ORDER:**

Northern Lakes Community Mental Health Authority, 527 Cobb Street, Cadillac with Skype to 105 Hall Street, Traverse City, Michigan. The meeting was called to order at 2:15 p.m.

Board Members Present: Cadillac - Pam Babcock, Betty Bushey, Lorelei King, Al Cambridge, Sherry Powers, Nina Zamora, Nicole Miller, Rose Denny, Randy Kamps, Angela Griffis, Ben Townsend, and Mary Marois (Skype). Traverse City - Ty Wessell.

Board Members Absent: Dean Vivian (advance notice).

Others Present: Cadillac - Karl Kovacs, Chief Executive Officer; Deb Lavender, Executive Secretary; Dan Mauk, Chief Information Officer; Tracy Rosinski, Director of Recipient Rights; Joanie Blamer, Chief Population Officer for Mental Health Services; Lauri Fischer, Director of Finance; Doug Nielsen, Maintenance; Traverse City - Carrie Gray, Chief Population Officer for Intellectual and Developmental Disabilities Services; Kari Barker, Director of Quality and Compliance; Jessica Williams, Performance and Improvement Specialist; Darlene Buchner, Operations Manager; and Dave Simpson, Residential Services Supervisor.

Confirmation of a Quorum - Yes

Timekeeper - Yes

## **2. AGENDA:**

Added #16 Ownership Linkage Plan and #17 a Resolution regarding Frank Tosiello a former Board Member.

|                  |  |
|------------------|--|
| <b>MOTION:</b>   | Accept the Board Agenda for January 17, 2019 with the additions. |
| <b>RESULT:</b>   | ADOPTED [UNANIMOUS]  |
| <b>MOVER:</b>    | Betty Bushey   |
| <b>SECONDER:</b> | Rose Denny   |

## **3. CONFLICT OF INTEREST DECLARATION:**

No conflict of interest was declared.

## **4. CONSENT AGENDA:**

A. *Consideration of the Consent Agenda - Request to remove the financial statements for a correction.*

Item # 1

|                  |   |
|------------------|---|
| <b>MOTION:</b>   | <b>Approve the Consent Agenda for January 17, 2019 items 1, 2, and 4.</b> |
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Randy Kamps   |
| <b>SECONDER:</b> | Nina Zamora   |

Lauri referenced a change in the financial report that should have been \$380,000 credit rather than \$872,000 debit. Also identified is that the auditors should have reviewed the transactions prior to submitting to the Board.

|                  |   |
|------------------|---|
| <b>MOTION:</b>   | <b>Approve the financial report as amended.</b> |
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                      |
| <b>MOVER:</b>    | Al Cambridge                                    |
| <b>SECONDER:</b> | Rose Denny                                      |

## 5. OWNERSHIP LINKAGE:

- A. *Citizen Comment – None*
- B. *Ownership Communication – None.*

## 6. CHIEF EXECUTIVE OFFICER'S REPORT:

Karl highlighted in his CEO Report regarding the CMHAM Conference the first week of February, Electronic Health Record (NOLA), General Ledger (Intacct), discontinued development of two new residential homes – not feasible at this time, switching to a new afterhours crisis system, revised Risk Management Plan, new Board Members appointed, collaboration with the jail. Referenced a change to the Risk Management Plan on page 34 “action” to “active”.

Suggestion to follow-up with the media to promote the services in the Grand Traverse County jail. Karl identified that the Record Eagle had done an article in the Sunday paper to promote that the addition of a Licensed Mental Health professional and a Peer Support Specialist will occur. Joanie provided an update on the transition of services that are being provided by our Crisis Services Team prior to the new staff starting at the jail. The jail staff has been going through training and has implemented the Crisis Intervention Team. They are making referrals to our crisis staff who are providing service prior to the start of the staff who will be located at the jail. We are off to a good start and are working collaboratively. We are making our community a better place as it relates to the criminal justice system.

Lorelei identified that Representative Gary Peters visited Crawford County. He was interested in policy and training and wanted specifics. There is a lot going on with behavioral health and criminal justice and Karl is co-chair of the state-wide work group. We have interagency agreements in all six counties in order to decrease recidivism. We do our crisis consultation work without reimbursement in all of our counties. Karl noted that the Stepping Up initiative is a community effort that garners buy-in with all stakeholders to decide as a community to focus on the criminal justice system. Our Peer Support staff is providing groups at the Missaukee County jail.

There was discussion about the local impact of moving our crisis services from Third Level/Child and Family Services to ProtoCall. Our regional partners completed an RFI and the decision was made to contract with ProtoCall beginning on April 1. We have discussed offsetting the discontinuation of Third Level services with Child and Family by

other collaboration such as the FAST Team and also training opportunities. We are hoping to ameliorate any negative consequences of the change.

## **7. NORTHERN MICHIGAN REGIONAL ENTITY REPORT:**

The minutes from the December 12 meeting were included in the packet. Mary will be replacing Carol Crawford on the NMRE Board. There was discussion about other regional entities having financial difficulties. The minutes indicated that we are not in financial difficulty and that we are making good use of funds that were unspent. There is an effort to privatize and is a continuing battle. There are three PIHPs that are utilizing their reserves. There have been changes in the numbers in the various Medicaid eligibility categories and there are major differences in terms of the capitation amounts. We reviewed the administrative cost and risk reserve and we will be interesting to see what the new Director of MDHHS will do moving forward.

## **8. ASSURANCE OF ORGANIZATIONAL PERFORMANCE:**

A. Receipt of CEO Response to Monitoring Report – 2.6 Community Resources (Internal Inspection)

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|------------------|--|
| <b>MOTION:</b>   | <b>The Board has reviewed Policy 2.6 Community Resources at 100% compliance.</b> |
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Nina Zamora  |
| <b>SECONDER:</b> | Lorelei King   |

2.10 Administrative Cost (Internal Inspection)

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|------------------|---|
| <b>MOTION:</b>   | <b>The Board has reviewed Policy 2.10 Administrative Cost at 100% compliance.</b> |
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Betty Bushey  |
| <b>SECONDER:</b> | Rose Denny  |

B. New Operational Worries

Concern expressed about the Government Shutdown in Washington and how that will affect us. We will need to identify services up to today's date so that they can be posted in order to receive food assistance (SNAP benefits).

C. January Monitoring Assignment

2.4 Financial Management (Internal Inspection) will complete and turn in.

## **9. BOARD MEANS SELF-ASSESSMENT:**

A. Receipt of CEO Response to Monitoring Report – 3.1 Board Job Description (Direct Inspection)

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|------------------|--|
| <b>MOTION:</b>   | <b>The Board has reviewed Policy 3.1 Board Job Description at 100% compliance.</b> |
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Nina Zamora  |
| <b>SECONDER:</b> | Rose Denny   |

B. *January Monitoring Assignment*

3.9 CEO Compensation (Direct inspection) complete and turn in.

3.10 Board Member Conflict of Interest (Direct Inspection) complete and turn in.  
Signature page was available to complete.

## **10. GOVERNANCE POLICIES DISCUSSION AND ASSESSMENT:**

- A. *Ends – None*
- B. *Executive Limitations - None*
- C. *Governance Process/Ownership Linkages*  
- NLD Minutes – January 3, 2019

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| <b>MOTION:</b>   | <b>The Board received and filed the NLD Committee Meeting Minutes for January 3, 2019.</b> |
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Nina Zamora  |
| <b>SECONDER:</b> | Rose Denny   |

- 2018 County Commission Survey Response Summary – Karl identified that the NLD decided after looking at the summary of the survey that there was an opportunity to address some of the comments in the survey and to try to further educate. The Communications and Public Relations Committee addressed the comments. Betty encouraged County Commission members on their Boards to respond to any questions and to get as much feedback as they can. This will be a great learning opportunity. It was suggested to get down to two pages and there may be more response. It was suggested to send this out as it is this time and to be brief the next time.

|                  |   |
|------------------|---|
| <b>MOTION:</b>   | <b>The Board approved the 2018 County Commission Survey Response Summary.</b> |
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Betty Bushey  |
| <b>SECONDER:</b> | Lorelei King  |

- 2019 Board Meeting Schedule

|                  |  |
|------------------|--|
| <b>MOTION:</b>   | <b>The Board approved the 2019 Board Meeting Schedule with the Change in August.</b> |
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Randy Kamps  |
| <b>SECONDER:</b> | Rose Denny   |

- Appointment of Two Candidates to the RRAC – Demarie Jones and Ruth Anderson. Karl welcomed Ruth who was in attendance.

|                  |   |
|------------------|---|
| <b>MOTION:</b>   | <b>The Board graciously accepted the two candidates for the RRAC.</b> |
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Randy Kamps   |
| <b>SECONDER:</b> | Betty Bushey  |

Ownership linkage plan as presented at the Committee of the Whole -

|                  |  |
|------------------|--|
| <b>MOTION:</b>   | <b>The Board approved the Ownership Linkage Plan as presented.</b> |
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Al Cambridge   |
| <b>SECONDER:</b> | Randy Kamps  |

NLCMHA Resolution honoring our former Board Member – Frank Tosiello -

|                  |   |
|------------------|---|
| <b>MOTION:</b>   | <b>The Board approved the Resolution Honoring Frank Tosiello.</b> |
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Al Cambridge  |
| <b>SECONDER:</b> | Nina Zamora   |

D. *Board/CEO Linkage – None*

## **11. OWNERSHIP LINKAGE:**

Nicole reviewed the public comment statement. Mickie Januzzo shared comments about Frank Tosiello. She noted that the crisis center will cease operation with all of the CMHs in the region leaving. She noted that we have been a partner for 42 years. They will continue the free legal aide, Runaway and Homeless Youth services. She thanked the Board and staff and hopes to have a smooth transition.

## **12. ANNOUNCEMENTS/BOARD MEMBER REPORTS/BOARD**

- Senator Peters will be in Suttons Bay at Bayside Tea Shop on January 26 at 10:00 a.m.

## **13. FEBRUARY 21 AGENDA PLANNING (GRAYLING):**

Reviewed the agenda for the February 21, 2019 meeting.

## **14. MEETING EVALUATION:**

#1- we spent our time on the most important governance topics: majority was excellent  
 #2- we encouraged diversity of viewpoints: majority was excellent  
 #3- our decisions were made collectively: majority was excellent  
 #4- The Board used its time effectively: majority was excellent  
 #5- What is the most important thing the Board could do to improve our function as a board? Lorelei noted the NLD discussed having a 10 minute training for the IPADs before the next meeting. Pam also identified that we identify a discussion board for new members to pose questions and others can respond. Dan suggested to do a tour and help people along. Working on getting a Sharepoint site to share documents as well as questions and answers.

## **15. ADJOURNMENT:**

The meeting adjourned at 3:43 p.m.

Respectfully Submitted,

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Nicole Miller, Chairperson

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Lorelei King, Board Secretary

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Debra Lavender, Recording Secretary

**GRAND TRAVERSE COUNTY  
DEPARTMENT OF HEALTH AND HUMAN SERVICES BOARD**  
1000 Pavilions Circle, Traverse City, MI 49684

**MINUTES OF THE JANUARY 25, 2019 MEETING**

|                 |  |                              |
|-----------------|--|------------------------------|
| <b>PRESENT:</b> | Ralph Soffredine, Rodetta Harrand, John Rizzo (via phone)<br>Kory Hansen, Rose Coleman, Robert Barnes, Darcey Gratton<br>Gordie LaPointe | Board<br>Staff<br>Commission |
| <b>ABSENT:</b>  |  |                              |
| <b>GUESTS:</b>  |  |                              |

The regular meeting of the Grand Traverse County Department of Health and Human Services Board was called to order at 9:06 am by Board Chair Ralph Soffredine in the Board Room at the Grand Traverse Pavilions.

**Public Comment/Input** – 9:06 am – LaPointe, 6375 Plum Drive, Williamsburg, MI 49690. LaPointe stated the County's focus has been on their budget and pension. There will be a follow-up study session on MERS regarding the \$50 million pension debt. LaPointe reviewed the County's history with MERS. Commissioners agree that their number one priority is to have the pension 100% funded. LaPointe also stated there are still issues with the jail. LaPointe stated he is pleased with new Administrator Alger and the quality of people working in Administration. As a representative of District 6, LaPointe stated that his goal is to make sure that tax payer dollars are being spent appropriately but assured the board that the sale of the Pavilions is not on the table. LaPointe stated that family member and family council representative Andi Gerring, contacted him to inquire about televising the DHHS Board meetings. LaPointe explained to Gerring that it would be for the DHHS Board to decide but there would be a cost.

End 9:21 am

**Approval of Agenda** – Chair Soffredine asked if there were additions, changes or corrections to the agenda. Motion was made by Harrand to approve the Agenda as presented, seconded by Rizzo and carried unanimously.

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**REVIEW AND FILE**

- (1) Minutes of the 12/28/18 Board Meeting
- (2) Sebestyen Thank You
- (3) Winship Thank You
- (4) Elm Staff Thank You
- (5) Brzezinski Thank You
- (6) Area Agency on Aging Letter
- (7) Leading Age Letter
- (8) The Compass – January
- (9) P.E.P. Talk Employee Newsletter – January
- (10) Media Report – December

Motion was made by Rizzo to approve the Consent Calendar as presented. Motion seconded by Harrand and carried unanimously.

**Items Removed From Consent Calendar** – none

**Fourth Quarter Overtime Report** – Hansen reviewed the written report indicating that overtime for the fourth quarter was 4.09% of payroll which is a decrease from 4.82% in the third quarter. Hansen stated the overtime is mainly due to open CNA positions.

**Fourth Quarter Annual Plan 2018 Update** – Hansen reviewed the highlights from the fourth quarter. Of significance was the operational development of PACE along with furnishing and equipping the building to get ready for the initial state inspection. Much time was also spent finalizing the loan document for the National Cooperative Bank (NCB) Line of Credit which closed on December 27. Once Readiness Review occurs, additional staff will be recruited to fill the remaining interdisciplinary and administrative positions. Hansen stated that the tiered pricing structure for the Cottages has been completed and is awaiting implementation once sufficient staff is in place to assure operational success.

**2018 Year End Cash Balance** – Hansen reviewed the year end cash balance for 2018. Cash reserves increased to \$8 million, an increase of \$300,000 over year-end 2017, a 4% increase. LaPointe inquired about using the cash towards funding the pension liability. Hansen stated with the uncertainty of Medicare and Medicaid reimbursement year to year which can change dramatically, it's necessary to maintain adequate cash reserves. If there are changes, cash reserves provides time to implement cuts that would minimize effects to our residents. Hansen also noted that \$1.25 million of the amount has been set aside for PACE. Rizzo stated he felt comforted that we are covered with a backup plan. Hansen also stated that a nearly \$1 million voluntary contribution to our pension fund was made a few years ago.

**Chief Executive Officer Report** – Hansen reviewed the report and stated that much of his time was spent on the NCB Line of Credit and insurance renewals. The work comp insurance markets have softened considerably over the last few years. As a result, the Pavilions will be going with a standard guaranteed premium with a high deductible plan and will be leaving the self-insured plan after thirteen years. Hansen reported that County Commissioner, Betsy Coffia was appointed to the Area Agency on Aging Board and that he will no longer be serving on that board. Hansen reviewed the total number of hires and terminations for the year. Longevity bonuses were paid out to 206 regular full-time and part-time employees that have been employed for at least four years of continued employment.

**Financial Report** - Hansen reviewed the financial report for December 2018. Hansen reviewed the voucher review for December 2018 and found no exceptions. The Social Accountability was reviewed for December 2018 which totaled \$4,496,131 in uncompensated care and services year-to-date provided by Grand Traverse Pavilions. Motion made by Rizzo to accept the financial report for December as presented. Motion seconded by Harrand and carried unanimously.

**Core Values** – Hansen reviewed a draft of the recommended Core Value statements that have been developed through a process. Motion made by Harrand to accept the Core Values as presented. Motion seconded by Rizzo and carried unanimously.

**Performance Award Resolution - 2018-1** – Hansen reported on a memo summarizing information for the 2018 performance awards. Hansen then reviewed the resolution recommending that this program continue for calendar year 2019, with the pool amount remaining the same. Harrand shared that she felt these higher salaried positions are already paid well and have received the 3% cost of living increase along with everyone else. Hansen stated the positive benefits for performance incentives that reward directors who exceed

expectations, achieve performance goals and provides compensation incentives for those at top of scale, ineligible for step/merit wage adjustments and decrease costs over the long-term as compared to the compounding effect of wage increases. Rizzo stated he has no issues with awarding these incentives and stated it is not an automatic payment. Directors would have to meet their goals and overall saves the Pavilions money by having these type of incentives instead of wage increases. Soffredine agreed and stated he will continue to support this incentive as he has done since 2012. Rizzo made a motion to approve Resolution 2019-1. Motion seconded by Soffredine. Roll Call - Soffredine - yes, Rizzo - yes, Harrand - no. Motion carried.

**Request to Purchase – Dish Machines** – Hansen reviewed the need to purchase two replacement commercial dishwashers for Evergreen and Willow Cottages. Three bids were received and the recommended bid was to Stafford Smith based on it being a local bid and only 1.6% more than the lowest bid. Motion was made by Rizzo to approve the purchase of two new dishwashers for Evergreen and Willow Cottages as presented for \$16,747.40. Motion was seconded by Harrand and carried unanimously.

**Request to Purchase – Hawthorn Cottage Elevator Repair** – Hansen reported on recent issues that have been ongoing with the elevator door in the Hawthorn Cottage. Hansen recommends that we purchase new AT 400 Door operator. Motion was made by Harrand to accept the bid of Otis Elevator who has our service contract, to replace the AT 400 Door Operator on the Hawthorn Cottage elevator as presented. Seconded by Rizzo and carried unanimously.

**Andrew Scott Cole, MD - Consulting Privileges** - Hansen reviewed the request of Andrew Scott, MD, of Mary Free Bed, to have consulting privileges as recommended by Medical Director Dr. Phillip Esienberg, M.D. Motion was made by Harrand to approve Andrew Scott Cole, MD, for consulting privileges, seconded by Rizzo and carried unanimously.

**Grand Traverse Pavilions Announcements -**

- (1) December Star Award - Hansen reviewed weekly winners – LaPointe inquired if the Pavilions worked with the County's Human Resources Department to collaborate on what is done for employees. Barnes stated there has been considerable communication in the past between the two HR departments prior to constant changes at the county.

**Public Comment/Input**

10:17 am – LaPointe, – 6375 Plum Drive, Williamsburg, MI 49690. LaPointe reviewed his position as a County liaison and his interests with the Pavilions.  
End 10:37am

10:37am LaPointe out  
10:37am Barnes out

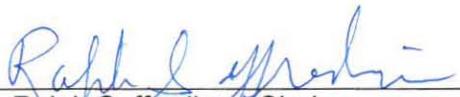
Motion was made by Harrand, seconded by Rizzo to go into Closed Session at 10:37 am for the purpose of discussing QAPI Quarterly Update, Resident Council Summary and Resident Quarterly Incidents which all include discussion of Protected Health Information. The Board agreed to postpone review of the Administrator/CEO Evaluation when Rizzo could attend the meeting in person.

Roll Call - Harrand - yes, Soffredine - yes, Rizzo - yes

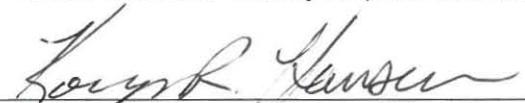
Motion was made by Rizzo to come out of Closed Session at 10:49 am, seconded by Harrand and carried unanimously.

Meeting adjourned at 10:49am

Signatures:



Ralph Soffredine, Chair  
Grand Traverse County Department of Health and Human Services Board



Korbyn R. Hansen, Assistant-Secretary

Date: February 22, 2019

Approved  
Corrected and Approved



## Action Request

|                    |                             |                      |   |
|--------------------|-----------------------------|----------------------|---|
| Meeting Date:      | March 6, 2019               |                      |   |
| Department:        | Resource Recovery           | Submitted By:        | David Schaffer  |
| Contact E-Mail:    | dschaffer@grandtraverse.org | Contact Telephone:   | 231.995-6075  |
| Agenda Item Title: | 2019 Hauler Licenses        |                      |   |
| Estimated Time:    | 0<br>(in minutes)           | Laptop Presentation: | <input type="radio"/> Yes <input checked="" type="radio"/> No |

### Summary of Request:

Staff has received and reviewed the following applications for 2019 hauler licenses:

#### Yard Waste Applications Received:

Y-2019-11 Cuttin' It Close Outdoor LLC

#### Special Solid Waste Applications Received:

SP-2019-8 Larry's Tire, Inc.

SP-2019-9 Beacon Recycling

#### Solid Waste Applications Received:

The above applications have been found to be administratively complete and fee has been paid.

(License numbers will be granted upon approval)

### Suggested Motion:

Approve 2019 hauler licenses as submitted by staff and authorize signature by Board of Commissioners Chair.

### Financial Information:

|             |  |                    |  |                     |   |
|-------------|--|--------------------|--|---------------------|---|
| Total Cost: |  | General Fund Cost: |  | Included in budget: | <input type="radio"/> Yes <input checked="" type="radio"/> No |
|-------------|--|--------------------|--|---------------------|---|

If not included in budget, recommended funding source:

This section for Finance Director, Human Resources Director, Civil Counsel, and Administration USE ONLY:

|   |           |      |
|---|-----------|------|
| <b>Reviews:</b><br>Finance Director                         | Signature | Date |
| Human Resources Director                                    |           |      |
| Civil Counsel   |           |      |
| <b>Administration:</b> <input type="checkbox"/> Recommended | Date:     |      |

Miscellaneous:

### Attachments:

Attachment Titles:

RESOLUTION  
**XX-2019**  
**Resource Recovery – 2019 Hauler Licenses**

WHEREAS, the Grand Traverse County Board of Commissioners met in regular session on March 6, 2019 and reviewed requests to approve the Hauler Licenses for 2019 as follows:

Special Solid Waste Haulers: Larry's Tire, Inc.  
Beacon Recycling

Yard Waste Haulers: Cuttin' It Close Outdoor, LLC

WHEREAS, the above applications have been found to be administratively complete and approval is recommended.

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COMMISSIONERS,  
THAT Grand Traverse County approve Hauler Licenses for 2019 as identified above.

BE IT FURTHER RESOLVED THAT, the Board of Commissioners authorizes the Board Chair or County Administrator to effectuate the necessary documents to implement the Board authorized action.

APPROVED: March 6, 2019



## Action Request

|                    |  |  |                |
|--------------------|--|--|----------------|
| Meeting Date:      | 3/6/2019   |  |                |
| Department:        | Resource Recovery  | Submitted By:  | David Schaffer |
| Contact E-Mail:    | <a href="mailto:dschaffer@grandtraverse.org">dschaffer@grandtraverse.org</a> |  |                |
| Contact Telephone: | 231-995-6075   |  |                |
| Agenda Item Title: | 2019 Scrap Tire Clean Up Grant Acceptance                                    |  |                |
| Estimated Time:    | 0<br>(in minutes)  | Laptop Presentation: <input checked="" type="radio"/> Yes <input type="radio"/> No |                |

### Summary of Request:

The Grand Traverse County (GTC) Resource Recovery Department (RRD) applied for and was awarded \$8,000 from the MDEQ to conduct Scrap Tire Clean Up Events in 2019. There are no matching funds required and the money has been accounted for in the 2019 budget. These grant funds will allow the RRD to fill up 4 semi trailers with scrap tires collected from GTC residents. The collection events are expected to take place in June, August and September.

### Suggested Motion:

Authorize the Resource Recovery Department Manager to sign the Scrap Tire Cleanup Grant Agreement Between the Michigan Department of Environmental Quality and Grand Traverse County for the purpose of conducting Scrap Tire Collections in 2019.

### Financial Information:

|             |     |                    |     |                     |   |
|-------------|-----|--------------------|-----|---------------------|---|
| Total Cost: | N/A | General Fund Cost: | N/A | Included in budget: | <input checked="" type="radio"/> Yes <input type="radio"/> No |
|-------------|-----|--------------------|-----|---------------------|---|

### If not included in budget, recommended funding source:

N/A

This section for Finance Director, Human Resources Director, Civil Counsel, and Administration USE ONLY:

|   |           |      |
|---|-----------|------|
| Reviews:  | Signature | Date |
| Finance Director  |           |      |
| Human Resources Director  |           |      |
| Civil Counsel   |           |      |
| Administration: <input checked="" type="checkbox"/> Recommended | Date:     |      |
| Miscellaneous:  |           |      |

Attachments: N/A

Attachment Titles: *Scrap Tire Clean Up Grant Agreement*

**R E S O L U T I O N**

**XX-2019**

**Resource Recovery – 2019 Scrap Tire Grant**

WHEREAS, the Grand Traverse County Board of Commissioners met in regular session on March 6, 2019 and reviewed a request to allow the Resource Recovery Department Manager to conduct Scrap Tire Clean Up events in 2019 using budgeted funds that will be reimbursed by the MDEQ.

WHEREAS, the Scrap Tire Cleanup Grant Agreement between the Michigan Department of Environmental Quality and Grand Traverse County be administratively complete and approval of this agreement is recommended.

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COMMISSIONERS,  
THAT Grand Traverse County approve the recommendation to allow the Resource Recovery Department Manager to sign the Scrap Tire Cleanup grant agreement to conduct Scrap Tire Collections for Grand Traverse County residents in 2019.

APPROVED: March 6, 2019

**DEQ**  
**SCRAP TIRE CLEANUP GRANT AGREEMENT**  
**BETWEEN**  
**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**AND GRAND TRAVERSE COUNTY**

This Grant Agreement ("Agreement") is made between the Michigan Department of Environmental Quality, (DEQ), Waste Management and Radiological Protection Division (WMRPD) ("State"), and Grand Traverse County ("Grantee").

The purpose of this Agreement is to provide funding in exchange for work to be performed for the project named below. The State is authorized to provide grant assistance pursuant to Part 169, Scrap Tires, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). Legislative appropriation of funds for grant assistance is set forth in Public Act 207 of 2018. This Agreement is subject to the terms and conditions specified herein.

Project Name: Grand Traverse County  
Amount of grant: \$8,000.00 (100% State Restricted)  
Project Total: \$8,000.00 (grant plus match)  
Start Date: (date executed by DEQ): \_\_\_\_\_

Vendor/Customer: VC0002984  
% of grant state 100 % of grant federal 0  
Amount of match: \$0 = %0  
End Date: 12/31/2019

**GRANTEE CONTACT:**  
David Schaffer, Resource Recovery Manager  
Name/Title  
Grand Traverse County  
Organization  
2650 LaFranier Road  
Address  
Traverse City, Michigan 49686  
Address  
231-995-6075  
Telephone number  
231-929-7226  
Fax number  
dschaffer@grandtraverse.org  
E-mail address  
38-6004852  
Federal ID number  
080341472  
Grantee DUNS number

**STATE'S CONTACT:**  
Christina Campbell, Grant Coordinator  
Name/Title  
Resource Management Group - WMRPD  
Division/Bureau/Office  
P.O. Box 30241  
Address  
Lansing, Michigan 48909-7741  
Address  
517-420-1395  
Telephone number  
517-373-4797  
Fax number  
campbellc@michigan.gov  
E-mail address

The individuals signing below certify by their signatures that they are authorized to sign this Agreement on behalf of their agencies and that the parties will fulfill the terms of this Agreement, including any attached appendices, as set forth herein.

**FOR THE GRANTEE:**

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Name/Title

\_\_\_\_\_  
Date

**FOR THE STATE:**

\_\_\_\_\_  
Signature  
Jack Schinderle, Division Director, WMRPD  
Name/Title

\_\_\_\_\_  
Date

## **I. PROJECT SCOPE**

This Agreement and its appendices constitute the entire Agreement between the State and the Grantee and may be modified only by written agreement between the State and the Grantee.

(A) The scope of this project is limited to the activities specified in Appendix A and such activities as are authorized by the State under this Agreement. Any change in project scope requires prior written approval in accordance with Section III, Changes, in this Agreement.

(B) By acceptance of this Agreement, the Grantee commits to complete the project identified in Appendix A within the time period allowed for in this Agreement and in accordance with the terms and conditions of this Agreement.

## **II. AGREEMENT PERIOD**

Upon signature by the State, the Agreement shall be effective from the Start Date until the End Date on page one. The State shall have no responsibility to provide funding to the Grantee for project work performed except between the Start Date and the End Date specified on page one. Expenditures made by the Grantee prior to the Start Date or after the End Date of this Agreement are not eligible for payment under this Agreement.

## **III. CHANGES**

Any changes to this Agreement shall be requested by the Grantee or the State in writing and implemented only upon approval in writing by the State. The State reserves the right to deny requests for changes to the Agreement or to the appendices. No changes can be implemented without approval by the State.

## **IV. GRANTEE DELIVERABLES AND REPORTING REQUIREMENTS**

The Grantee shall submit deliverables and follow reporting requirements specified in Appendix A of this Agreement.

(A) The Grantee must complete and submit quarterly financial and/or progress reports according to a form and format prescribed by the State and must include supporting documentation of eligible project expenses. These reports shall be due according to the following:

| <b>Reporting Period</b> | <b>Due Date</b>    |
|-------------------------|--------------------|
| January 1 – March 31    | April 30           |
| April 1 – June 30       | July 31            |
| July 1 – September 30   | Before October 15* |
| October 1 – December 31 | January 31         |

\*Due to the State's year-end closing procedures, there will be an accelerated due date for the report covering July 1 – September 30. Advance notification regarding the due date for the quarter ending September 30 will be sent to the Grantee. If the Grantee is unable to submit a report in early October for the quarter ending September 30, an estimate of expenditures through September 30 must be submitted to allow the State to complete its accounting for that fiscal year.

The forms provided by the State shall be submitted to the State's contact at the address on page one. All required supporting documentation (invoices, proof of payment, etc.) for expenses must be included with the report.

(B) The Grantee shall provide a final project report in a format prescribed by the State.

(C) All products shall acknowledge that the project was supported in whole or in part by Scrap Tire Cleanup Program, DEQ, per the guidelines provided by the program.

(D) If 15 percent (15%) or more of the grant amount is expended in a single quarter, payment requests may be submitted.

## **V. GRANTEE RESPONSIBILITIES**

(A) The Grantee agrees to abide by all applicable local, state, and federal laws, rules, ordinances, and regulations in the performance of this grant.

(B) All local, state, and federal permits, if required, are the responsibility of the Grantee. Award of this grant is not a guarantee of permit approval by the State.

(C) The Grantee shall be solely responsible to pay all applicable taxes and fees, if any, that arise from the Grantee's receipt or execution of this grant.

(D) The Grantee is responsible for the professional quality, technical accuracy, timely completion, and coordination of all designs, drawings, specifications, reports, and other services submitted to the State under this Agreement. The Grantee shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in drawings, designs, specifications, reports, or other services.

(E) The State's approval of drawings, designs, specifications, reports, and incidental work or materials furnished hereunder shall not in any way relieve the Grantee of responsibility for the technical adequacy of the work. The State's review, approval, acceptance, or payment for any of the services shall not be construed as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.

(F) The Grantee acknowledges that it is a crime to knowingly and willingly file false information with the State for the purpose of obtaining this Agreement or any payment under the Agreement, and that any such filing may subject the Grantee, its agents, and/or employees to criminal and civil prosecution and/or termination of the grant.

## **VI. USE OF MATERIAL**

Unless otherwise specified in this Agreement, the Grantee may release information or material developed under this Agreement, provided it is acknowledged that the State funded all or a portion of its development.

The State, and federal awarding agency, if applicable, retains a royalty-free, nonexclusive and irrevocable right to reproduce, publish, and use in whole or in part, and authorize others to do so, any copyrightable material or research data submitted under this grant whether or not the material is copyrighted by the Grantee or another person. The Grantee will only submit materials that the State can use in accordance with this paragraph.

## **VII. ASSIGNABILITY**

The Grantee shall not assign this Agreement or assign or delegate any of its duties or obligations under this Agreement to any other party without the prior written consent of the State. The State does not assume responsibility regarding the contractual relationships between the Grantee and any subcontractor.

## **VIII. SUBCONTRACTS**

The State reserves the right to deny the use of any consultant, contractor, associate, or other personnel to perform any portion of the project. The Grantee is solely responsible for all contractual activities performed under this Agreement.

Further, the State will consider the Grantee to be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the anticipated Grant. All subcontractors used by the Grantee in performing the project shall be subject to the provisions of this Agreement and shall be qualified to perform the duties required.

## **IX. NON-DISCRIMINATION**

The Grantee shall comply with the Elliott Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 *et seq.*, the Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended, MCL 37.1101 *et seq.*, and all other federal, state, and local fair employment practices and equal opportunity laws and covenants that it shall not discriminate against any employee or applicant for employment, to be employed in the performance of this 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, or physical or mental disability that is unrelated to the individual's ability to perform the duties of a particular job or position. The Grantee agrees to include in every subcontract entered into for the performance of this Agreement this covenant not to discriminate in employment. A breach of this covenant is a material breach of this Agreement.

## **X. UNFAIR LABOR PRACTICES**

The Grantee shall comply with the Employers Engaging in Unfair Labor Practices Act, 1980 PA 278, as amended, MCL 423.321 *et seq.*

## **XI. LIABILITY**

(A) The Grantee, not the State, is responsible for all liabilities as a result of claims, judgments, or costs arising out of activities to be carried out by the Grantee under this Agreement, if the liability is caused by the Grantee, or any employee or agent of the Grantee acting within the scope of their employment or agency.

(B) Nothing in this Agreement should be construed as a waiver of any governmental immunity by the Grantee, the State, its agencies, or their employees as provided by statute or court decisions.

## **XII. CONFLICT OF INTEREST**

No government employee, or member of the legislative, judicial, or executive branches, or member of the Grantee's Board of Directors, its employees, partner agencies, or their families shall benefit financially from any part of this Agreement.

## **XIII. ANTI-LOBBYING**

If all or a portion of this Agreement is funded with federal funds, then in accordance with OMB Circular A-21, A-87, or A-122, as appropriate, the Grantee shall comply with the Anti-Lobbying Act, which prohibits the use of all project funds regardless of source, to engage in lobbying the state or federal government or in litigation against the State. Further, the Grantee shall require that the language of this assurance be included in the award documents of all subawards at all tiers.

If all or a portion of this Agreement is funded with state funds, then the Grantee shall not use any of the grant funds awarded in this Agreement for the purpose of lobbying as defined in the State of Michigan's lobbying statute, MCL 4.415(2). "Lobbying" means communicating directly with an official of the executive branch of state government or an official in the legislative branch of state government for the purpose of influencing legislative or administrative action."

The Grantee shall not use any of the grant funds awarded in this Agreement for the purpose of litigation against the State. Further, the Grantee shall require that language of this assurance be included in the award documents of all subawards at all tiers.

#### **XIV. DEBARMENT AND SUSPENSION**

By signing this Agreement, the Grantee certifies that it has checked the federal debarment/suspension list at [www.SAM.gov](http://www.SAM.gov) to verify that its agents, and its subcontractors:

- (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal department or the state.
- (2) Have not within a three-year period preceding this Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction, as defined in 45 CFR 1185; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
- (3) Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in subsection (2).
- (4) Have not within a three-year period preceding this Agreement had one or more public transactions (federal, state, or local) terminated for cause or default.
- (5) Will comply with all applicable requirements of all other state or federal laws, executive orders, regulations, and policies governing this program.

#### **XV. AUDIT AND ACCESS TO RECORDS**

The State reserves the right to conduct a programmatic and financial audit of the project, and the State may withhold payment until the audit is satisfactorily completed. The Grantee will be required to maintain all pertinent records and evidence pertaining to this Agreement, including grant and any required matching funds, in accordance with generally accepted accounting principles and other procedures specified by the State. The State or any of its duly authorized representatives must have access, upon reasonable notice, to such books, records, documents, and other evidence for the purpose of inspection, audit, and copying. The Grantee will provide proper facilities for such access and inspection. All records must be maintained for a minimum of five years after the final payment has been issued to the Grantee by the State.

#### **XVI. INSURANCE**

- (A) The Grantee must maintain insurance or self-insurance that will protect it from claims that may arise from the Grantee's actions under this Agreement.
- (B) The Grantee must comply with applicable workers' compensation laws while engaging in activities authorized under this Agreement.

## **XVII. OTHER SOURCES OF FUNDING**

The Grantee guarantees that any claims for reimbursement made to the State under this Agreement must not be financed by any source other than the State under the terms of this Agreement.

If funding is received through any other source, the Grantee agrees to delete from Grantee's billings, or to immediately refund to the State, the total amount representing such duplication of funding.

## **XVIII. COMPENSATION**

(A) A breakdown of costs allowed under this Agreement is identified in Appendix A. The State will pay the Grantee a total amount not to exceed the amount on page one of this Agreement, in accordance with Appendix A, and only for expenses incurred and paid. All other costs necessary to complete the project are the sole responsibility of the Grantee.

(B) Expenses incurred by the Grantee prior to the Start Date or after the End Date of this Agreement are not allowed under the Agreement.

(C) The State will approve payment requests after approval of reports and related documentation as required under this Agreement.

(D) The State reserves the right to request additional information necessary to substantiate payment requests.

(E) Payments under this Agreement may be processed by Electronic Funds Transfer (EFT). The Grantee may register to receive payments by EFT at the Contract & Payment Express Web Site (<http://www.cpexpress.state.mi.us>).

## **XIX. CLOSEOUT**

(A) A determination of project completion, which may include a site inspection and an audit, shall be made by the State after the Grantee has met any match obligations, satisfactorily completed the activities, and provided products and deliverables described in Appendix A.

(B) Upon issuance of final payment from the State, the Grantee releases the State of all claims against the State arising under this Agreement. Unless otherwise provided in this Agreement or by State law, final payment under this Agreement shall not constitute a waiver of the State's claims against the Grantee.

(C) The Grantee shall immediately refund to the State any payments in excess of the costs allowed by this Agreement.

## **XX. CANCELLATION**

This Agreement may be canceled by the State, upon 30 days written notice, due to Executive Order, budgetary reduction, other lack of funding, upon request by the Grantee, or upon mutual agreement by the State and Grantee. The State may honor requests for just and equitable compensation to the Grantee for all satisfactory and eligible work completed under this Agreement up until 30 days after written notice, upon which time all outstanding reports and documents are due to the State and the State will no longer be liable to pay the grantee for any further charges to the grant.

## **XXI. TERMINATION**

(A) This Agreement may be terminated by the State as follows.

(1) Upon 30 days written notice to the Grantee:

- a. If the Grantee fails to comply with the terms and conditions of the Agreement, or with the requirements of the authorizing legislation cited on page one, or the rules promulgated thereunder, or other applicable law or rules.
- b. If the Grantee knowingly and willingly presents false information to the State for the purpose of obtaining this Agreement or any payment under this Agreement.
- c. If the State finds that the Grantee, or any of the Grantee's agents or representatives, offered or gave gratuities, favors, or gifts of monetary value to any official, employee, or agent of the State in an attempt to secure a subcontract or favorable treatment in awarding, amending, or making any determinations related to the performance of this Agreement.
- d. If the Grantee or any subcontractor, manufacturer, or supplier of the Grantee appears in the register of persons engaging in unfair labor practices that is compiled by the Michigan Department of Licensing and Regulatory Affairs or its successor.
- e. During the 30-day written notice period, the State shall withhold payment for any findings under subparagraphs a through d, above and the Grantee will immediately cease charging to the grant and stop earning match for the project (if applicable).

(2) Immediately and without further liability to the State if the Grantee, or any agent of the Grantee, or any agent of any subcontract is:

- a. Convicted of a criminal offense incident to the application for or performance of a State, public, or private contract or subcontract;
- b. 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, or attempting to influence a public employee to breach the ethical conduct standards for State of Michigan employees;
- c. Convicted under State or federal antitrust statutes; or
- d. Convicted of any other criminal offense that, in the sole discretion of the State, reflects on the Grantee's business integrity.
- e. Added to the federal or state Suspension and Debarment list.

(B) If a grant is terminated, the State reserves the right to require the Grantee to repay all or a portion of funds received under this Agreement.

## **XXII. IRAN SANCTIONS ACT**

By signing this Agreement, the Grantee is certifying that it is not an Iran linked business, and that its contractors are not Iran linked businesses, as defined in MCL 129.312.

## PROJECT SPECIFIC REQUIREMENTS – APPENDIX A

### PROJECT LOCATION AND SCOPE

The project shall be located in Michigan and the scope of the project is outlined in the Grantee's approved Fiscal Year 2019 Scrap Tire Cleanup Program Grant Application.

### GRANTEE REIMBURSEMENT

The Grant Amount shall not exceed the amount awarded in SIGMA, and the Grantee will be reimbursed as specified below, NOT TO EXCEED ACTUAL COSTS INCURRED BY THE GRANTEE. All other costs associated with the removal of scrap tires, **including labor costs**, are the responsibility of the Grantee.

The State shall reimburse the Grantee the actual cost, up to \$1,000.00 for a trailer with less than 500 passenger tire equivalents (PTE), \$2.00 per additional PTE in excess of 500 PTE, not to exceed \$2,000.00 for a full semi van trailer with over 1,000 PTE. ***It should be noted that empty trailers are not eligible for reimbursement under the grant program.*** This payment is for providing acceptable scrap tire collection vehicles at the site of collection, and for the cost of processing and delivering the scrap tires to the End-User. The State shall also reimburse actual scrap tire transportation costs not to exceed \$1.00 per mile if the collection location is over 100 miles from the processor's location. The first 100 miles of transportation shall not be reimbursed but are considered covered under the trailer reimbursement rate. The combined cost of reimbursement for scrap tire and transportation shall not exceed the approved grant amount.

### GRANT REIMBURSEMENT PROCESS AND GRANTEE REPORTING REQUIREMENTS

The Grantee must first pay the Processor for work completed and then seek reimbursement from the State. If the Grantee is not financially able to pay the Processor prior to seeking reimbursement from the State, then the Grantee may assign its grant payment(s) to the Processor pursuant to Section VII, Assignability, of this Agreement. If the Grantee assigns payment(s) to the Processor, and any payment is intercepted by the Michigan Department of Treasury due to Grantee's outstanding debt to the State of Michigan, then the Grantee is responsible for paying the Processor directly for the outstanding balance due the Processor.

The Grantee shall maintain an accurate count of the number of scrap car tires and scrap truck tires, and oversized tires removed from the site.

A request for payment shall be submitted by the Grantee on a form provided by the State and shall include proof of payment to the Processor or End-User, as applicable, a copy of the Processor invoice(s) and all scrap tire manifests signed by the Grantee, the Processor, and the End-User.

Within 30 days of the date that the last scrap tire covered by this Agreement was removed from the site, the Grantee shall submit the final request for payment.

### PROCESSOR AND END-USER REQUIREMENTS

Any tire processor utilized by the Grantee shall be a Michigan-based Scrap Tire Processor (Processor). Refer to Section VIII, Subcontracts, for requirements regarding subcontractors.

The State may approve a written request from the Grantee to change the approved Processor(s) and/or approved Scrap Tire Material End-User (End-User) or End-Users identified in this Agreement.

## **UNUSABLE TIRES**

The State may approve a request from the Grantee to replace an approved End-User with a sanitary landfill, licensed under Part 115, Solid Waste Management, of the NREPA. Such a request may be approved if certain scrap tires covered under this Agreement are in such a condition that the approved Processor would not be able to process the scrap tires into a form acceptable to the approved End-User or if due to decreased end-use market availability another viable end-use market cannot be located. Any Grantee wishing to deliver scrap tires to a landfill after proper size reduction, must contact the State for approval. Whole motor vehicle tires are prohibited from being disposed of in a landfill. Reimbursement for landfilling of unusable tires shall not exceed the per tire amount authorized by this Agreement.

## **NOTIFICATION OF DELAYS**

The Grantee shall inform the State's Contact of any delays in the start-up of the project and any delays in progress toward completion of the project.

## **PROJECT COMPLETION**

The State will make final payment after the project is complete. Project completion means all of the following:

- (A) All scrap tires covered by this Agreement have been removed from the site and delivered to the End-User identified in this Agreement by the Processor identified in this Agreement.
- (B) The Grantee has submitted the final Request for Payment form, including all supporting financial documentation, all scrap tire manifests signed by the Grantee, the Processor, and the End-User, indicating the total number of scrap car tires, scrap truck tires and oversized tires removed from the site.
- (C) The Grantee has notified the State that the site is clear of all scrap tires and rims covered under this Agreement.
- (D) The Grantee has provided a Final Project Report that summarizes the project including pertinent dates of events, number of participants, tires collected, pictures (if available), and any other information showing how your project was successful.

The State shall make a determination of project completion based on all of the following:

- (A) A review of the project file, including all Request for Payment forms, all supporting financial documentation, all scrap tire manifests and all reports submitted by Grantee, Processor and End-User, to verify that the requirements of this Agreement have been met and that the reimbursement amounts are correct.
- (B) A site inspection to determine the number of tires, if any, remaining on the site and to verify that the requirements of this Agreement have been met.

## **COMMUNITY CLEANUP ADDITIONAL REQUIREMENTS**

Grants awarded to communities for the purpose of conducting community clean up days must adhere to the following requirements as outlined in the Application:

- (A) The Grantee must have the scrap tires disposed of as soon as possible, preferably the same day as the cleanup day or next business day, unless collecting tires to coordinate a regional pickup by the hauler. The maximum time tires can be at a collection point is one week.

(B) If the Grantee is coordinating with other Grantees in the region, each Grantee can store for up to one week all the collected scrap tires at a collection point to coordinate a regional pickup by the hauler.

(C) The Grantee must notify the Scrap Tire Program Coordinator (via [deq-scraptire@michigan.gov](mailto:deq-scraptire@michigan.gov)) of each upcoming collection/cleanup event scheduled under the grant. This can include newsletters, flyers, web or any other utilized media.

(D) The Grantee is required to provide recognition of the Scrap Tire Cleanup Grant funding as it relates to their individual project (sample language and logos are available upon request).



## Action Request

|                    |  |                      |   |
|--------------------|--|----------------------|---|
| Meeting Date:      | 2/20/2019  |                      |   |
| Department:        | Finance  | Submitted By:        | Dean Bott   |
| Contact E-Mail:    | <a href="mailto:dbott@grandtraverse.org">dbott@grandtraverse.org</a> |                      |   |
| Contact Telephone: | (231) 922-4680   |                      |   |
| Agenda Item Title: | Federal Award (Grant Policy)   |                      |   |
| Estimated Time:    | 5 minutes<br>(in minutes)  | Laptop Presentation: | <input type="radio"/> Yes <input checked="" type="radio"/> No |

### Summary of Request:

The county receives a significant amount of federal awards or grants on an annual basis. There are specific and unique accounting and audit requirements for federal awards. In 2016 and 2017 the audits of our federal awards reported findings due to non compliance with the Uniform Guidance for federal awards. To address the audit findings and to improve our internal accounting procedures I have prepared a Federal Award Policy that includes the required written procedures relating to payment requests and guidance on allowable costs that can be charged to federal awards. We were not in compliance due to changes in the federal award requirements that were due to the implementation of the Uniform Guidance. Prior to the Uniform Guidance unwritten controls were deemed to be sufficient.

### Suggested Motion:

Discussion and approval of the Federal Award Policy to comply with the Uniform Guidance relating to federal awards.

### Financial Information:

|             |                    |                     |   |
|-------------|--------------------|---------------------|---|
| Total Cost: | General Fund Cost: | Included in budget: | <input type="radio"/> Yes <input checked="" type="radio"/> No |
|-------------|--------------------|---------------------|---|

If not included in budget, recommended funding source:

This section for Finance Director, Human Resources Director, Civil Counsel, and Administration USE ONLY:

| Reviews:                 | Signature | Date      |
|--------------------------|-----------|-----------|
| Finance Director         | Dean Bott | 14-Jan-19 |
| Human Resources Director |           |           |
| Civil Counsel            |           |           |

**Administration:**  Recommended Date:

Miscellaneous:

### Attachments:

Attachment Titles:

**R E S O L U T I O N**  
**XX-2019**  
**Federal Award (Grant) Policy**

WHEREAS, the Grand Traverse County Board of Commissioners met in regular session on March 6, 2019 and reviewed request to approve the attached policy specifically designed to comply with Uniform Guidance relating to federal grant awards; and,

WHEREAS, The county receives a significant amount of federal awards or grants on an annual basis; and,

WHEREAS, There are specific and unique accounting and audit requirements for federal awards and in 2016 and 2017 the audits of our federal awards reported findings due to non-compliance with the Uniform Guidance for federal awards; and,

WHEREAS, to address the audit findings and improve our internal accounting procedures a Federal Award Policy is attached which includes the required procedures relating to payment requests and guidance on allowable costs that can be charged to federal awards; and,

NOW THEREFORE BE IT RESOLVED THAT THE Grand Traverse County Board of Commissioners approve the Federal Award (Grant) Policy, attached hereto and hereby becoming a part of this resolution, to comply with the Uniform Guidance relating to federal awards.

APPROVED: March 6, 2019

## **Federal Award (Grant) Policy – Uniform Guidance**

For all federal awards received the Uniform Guidance (2 CFR 200) will be followed. The Uniform Guidance was designed to streamline and consolidate requirements for receiving and using federal awards to reduce the administrative burden and improve program outcomes. Part 200 provides uniform administrative requirements, cost principles, and audit requirements for federal awards. The Uniform Guidance can be found in its entirety at ([http://www.ecfr.gov/cgi-bin/text-idx?SID=6214841a79953f26c5c230d72d6b70a1&tpl=/ecfrbrowse/Title02/2cfr200\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?SID=6214841a79953f26c5c230d72d6b70a1&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl))

Part 200 Subpart D provides the post federal award requirements. In most cases our existing financial management and internal control procedures are adequate to account for federal grants received. The intent and purpose of this policy is to comply with the requirements of Subpart D Section 200.302 Financial management which requires written procedures regarding payments and for determining the allowable of costs in accordance with Subpart E of the Uniform Guidance.

Subpart D Section 200.305 Payment procedures:

1. Payment methods must minimize the time elapsing between the transfer of funds from the United States Treasury and the disbursement of funds by the county. Payment requests will only be made using Office of Management and Budget approved standard government wide information collection requests to request payments.
2. The county prefers to use the reimbursement method when payment requests for federal awards are made as allowed by this Subpart of the Uniform Guidance.
3. Advance payment requests will generally not be made unless the federal award allows for advance payments and the county is able to comply with the applicable requirements.

## **Subpart E – Cost Principles**

The total cost of a federal award will include the allowable direct and allocable indirect costs less any applicable credits. For direct costs refer to Subpart E Section 200.413 Direct Costs and for indirect costs refer to Section 200.414 Indirect (F&A) costs. The county will use the guidance included in Subpart E to determine the allowable costs charged to federal grant awards. Sections 200.413 and 200.414 are attached to this policy.

**ELECTRONIC CODE OF FEDERAL REGULATIONS****e-CFR data is current as of December 20, 2018**

Title 2 → Subtitle A → Chapter II → Part 200 → Subpart E → §200.413

**Title 2: Grants and Agreements****PART 200—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS**  
**Subpart E—Cost Principles****§200.413 Direct costs.**

(a) *General.* Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy. Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect (F&A) costs. See also §200.405 Allocable costs.

(b) *Application to Federal awards.* Identification with the Federal award rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect (F&A) costs of Federal awards. Typical costs charged directly to a Federal award are the compensation of employees who work on that award, their related fringe benefit costs, the costs of materials and other items of expense incurred for the Federal award. If directly related to a specific award, certain costs that otherwise would be treated as indirect costs may also include extraordinary utility consumption, the cost of materials supplied from stock or services rendered by specialized facilities or other institutional service operations.

(c) The salaries of administrative and clerical staff should normally be treated as indirect (F&A) costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

- (1) Administrative or clerical services are integral to a project or activity;
- (2) Individuals involved can be specifically identified with the project or activity;
- (3) Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency; and
- (4) The costs are not also recovered as indirect costs.

(d) *Minor items.* Any direct cost of minor amount may be treated as an indirect (F&A) cost for reasons of practicality where such accounting treatment for that item of cost is consistently applied to all Federal and non-Federal cost objectives.

(e) The costs of certain activities are not allowable as charges to Federal awards. However, even though these costs are unallowable for purposes of computing charges to Federal awards, they nonetheless must be treated as direct costs for purposes of determining indirect (F&A) cost rates and be allocated their equitable share of the non-Federal entity's indirect costs if they represent activities which:

- (1) Include the salaries of personnel,
- (2) Occupy space, and
- (3) Benefit from the non-Federal entity's indirect (F&A) costs.

(f) For nonprofit organizations, the costs of activities performed by the non-Federal entity primarily as a service to members, clients, or the general public when significant and necessary to the non-Federal entity's mission must be treated as direct costs whether or not allowable, and be allocated an equitable share of indirect (F&A) costs. Some examples of these types of activities include:

- (1) Maintenance of membership rolls, subscriptions, publications, and related functions. See also §200.454 Memberships, subscriptions, and professional activity costs.
- (2) Providing services and information to members, legislative or administrative bodies, or the public. See also §§200.454 Memberships, subscriptions, and professional activity costs and 200.450 Lobbying.

(3) Promotion, lobbying, and other forms of public relations. See also §§200.421 Advertising and public relations and 200.450 Lobbying.

(4) Conferences except those held to conduct the general administration of the non-Federal entity. See also §200.432 Conferences.

(5) Maintenance, protection, and investment of special funds not used in operation of the non-Federal entity. See also §200.442 Fund raising and investment management costs.

(6) Administration of group benefits on behalf of members or clients, including life and hospital insurance, annuity or retirement plans, and financial aid. See also §200.431 Compensation—fringe benefits.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75885, Dec. 19, 2014]

Need assistance?

**ELECTRONIC CODE OF FEDERAL REGULATIONS****e-CFR data is current as of December 20, 2018**

Title 2 → Subtitle A → Chapter II → Part 200 → Subpart E → §200.414

**Title 2: Grants and Agreements**PART 200—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS  
Subpart E—Cost Principles**§200.414 Indirect (F&A) costs.**

(a) *Facilities and Administration Classification.* For major IHEs and major nonprofit organizations, indirect (F&A) costs must be classified within two broad categories: "Facilities" and "Administration." "Facilities" is defined as depreciation on buildings, equipment and capital improvement, interest on debt associated with certain buildings, equipment and capital improvements, and operations and maintenance expenses. "Administration" is defined as general administration and general expenses such as the director's office, accounting, personnel and all other types of expenditures not listed specifically under one of the subcategories of "Facilities" (including cross allocations from other pools, where applicable). For nonprofit organizations, library expenses are included in the "Administration" category; for institutions of higher education, they are included in the "Facilities" category. Major IHEs are defined as those required to use the Standard Format for Submission as noted in Appendix III to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs) paragraph C. 11. Major nonprofit organizations are those which receive more than \$10 million dollars in direct Federal funding.

(b) *Diversity of nonprofit organizations.* Because of the diverse characteristics and accounting practices of nonprofit organizations, it is not possible to specify the types of cost which may be classified as indirect (F&A) cost in all situations. Identification with a Federal award rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect (F&A) costs of Federal awards. However, typical examples of indirect (F&A) cost for many nonprofit organizations may include depreciation on buildings and equipment, the costs of operating and maintaining facilities, and general administration and general expenses, such as the salaries and expenses of executive officers, personnel administration, and accounting.

(c) *Federal Agency Acceptance of Negotiated Indirect Cost Rates.* (See also §200.306 Cost sharing or matching.)

(1) The negotiated rates must be accepted by all Federal awarding agencies. A Federal awarding agency may use a rate different from the negotiated rate for a class of Federal awards or a single Federal award only when required by Federal statute or regulation, or when approved by a Federal awarding agency head or delegate based on documented justification as described in paragraph (c)(3) of this section.

(2) The Federal awarding agency head or delegate must notify OMB of any approved deviations.

(3) The Federal awarding agency must implement, and make publicly available, the policies, procedures and general decision making criteria that their programs will follow to seek and justify deviations from negotiated rates.

(4) As required under §200.203 Notices of funding opportunities, the Federal awarding agency must include in the notice of funding opportunity the policies relating to indirect cost rate reimbursement, matching, or cost share as approved under paragraph (e)(1) of this section. As appropriate, the Federal agency should incorporate discussion of these policies into Federal awarding agency outreach activities with non-Federal entities prior to the posting of a notice of funding opportunity.

(d) Pass-through entities are subject to the requirements in §200.331 Requirements for pass-through entities, paragraph (a)(4).

(e) Requirements for development and submission of indirect (F&A) cost rate proposals and cost allocation plans are contained in Appendices III-VII and Appendix IX as follows:

(1) Appendix III to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs);

(2) Appendix IV to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations;

- (3) Appendix V to Part 200—State/Local Governmentwide Central Service Cost Allocation Plans;
- (4) Appendix VI to Part 200—Public Assistance Cost Allocation Plans;
- (5) Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals; and
- (6) Appendix IX to Part 200—Hospital Cost Principles.

(f) In addition to the procedures outlined in the appendices in paragraph (e) of this section, any non-Federal entity that has never received a negotiated indirect cost rate, except for those non-Federal entities described in Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals, paragraph D.1.b, may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. As described in §200.403 Factors affecting allowability of costs, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. If chosen, this methodology once elected must be used consistently for all Federal awards until such time as a non-Federal entity chooses to negotiate for a rate, which the non-Federal entity may apply to do at any time.

(g) Any non-Federal entity that has a current federally negotiated indirect cost rate may apply for a one-time extension of the rates in that agreement for a period of up to four years. This extension will be subject to the review and approval of the cognizant agency for indirect costs. If an extension is granted the non-Federal entity may not request a rate review until the extension period ends. At the end of the 4-year extension, the non-Federal entity must re-apply to negotiate a rate. Subsequent one-time extensions (up to four years) are permitted if a renegotiation is completed between each extension request.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75886, Dec. 19, 2014]

Need assistance?



## Action Request

|                    |                              |                      |   |
|--------------------|------------------------------|----------------------|---|
| Meeting Date:      | March 6, 2019                |                      |   |
| Department:        | Finance                      | Submitted By:        | Dean Bott   |
| Contact E-Mail:    | dbott@grandtraverse.org      | Contact Telephone:   | 922-4680  |
| Agenda Item Title: | FY2019 Budget Amendments     |                      |   |
| Estimated Time:    | Board Packet<br>(in minutes) | Laptop Presentation: | <input type="radio"/> Yes <input checked="" type="radio"/> No |

**Summary of Request:**

Public Act 2 of 1968, the Uniform Budgeting and Accounting Act for Local Units of Government, provides for amendments to the adopted budget upon anticipation of a variance in revenues and/or expenditures. The Finance Department and Department Heads monitor current year activity on an ongoing basis to identify such variances. Consistent with County policy, departments have prepared and the Finance Department has reviewed the attached FY2019 budget amendment requests. Board of Commissioners approval is requested to amend the adopted FY2019 budget as presented.

**Suggested Motion:**

Approve FY2019 budget amendments as presented.

**Financial Information:**

|             |     |                    |     |                     |   |
|-------------|-----|--------------------|-----|---------------------|---|
| Total Cost: | n/a | General Fund Cost: | n/a | Included in budget: | <input type="radio"/> Yes <input checked="" type="radio"/> No |
|-------------|-----|--------------------|-----|---------------------|---|

If not included in budget, recommended funding source:  
n/a

This section for Finance Director, Human Resources Director, Civil Counsel, and Administration USE ONLY:

|                                     |                                      |           |
|-------------------------------------|--------------------------------------|-----------|
| <b>Reviews:</b><br>Finance Director | Signature                            | Date      |
|                                     | Dean Bott                            | 2/26/2019 |
| Human Resources Director            |                                      |           |
| Civil Counsel                       |                                      |           |
| <b>Administration:</b>              | <input type="checkbox"/> Recommended | Date:     |

Miscellaneous:

**Attachments:**

Attachment Titles:  
Budget Amendments Fiscal Year 2019

Revised: 9-2016

**R E S O L U T I O N**

**XX-2019**

**Finance Department  
Budget Amendments**

WHEREAS, the Grand Traverse County Board of Commissioners met in regular session on March 6, 2019, and reviewed budget amendments for Fiscal Year 2019 that have been requested by the Director of Finance and are recommended for approval; and,

WHEREAS, Public Act 2 of 1968, the Uniform Budgeting and Accounting Act for Local Units of Government, provides for amendments to the adopted budget upon anticipation of a variance in revenues and/or expenditures; and,

WHEREAS, The Finance Department and Department Heads monitor current year activity on an ongoing basis to identify such variances; and,

WHEREAS, Consistent with County policy, departments have prepared and the Finance Department has reviewed the attached FY2019 budget amendment requests; and,

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COMMISSIONERS, THAT the attached budget amendments for the Fiscal Year 2019 budget are hereby approved. (See file for attachments.)

APPROVED: March 6, 2019



## GRAND TRAVERSE COUNTY Budget Amendment Request

Department: 86th District Court  
Submitted by: \_\_\_\_\_  
Budget Number: 27202

### Budget Adjustment Option:

A Increase an expenditure and decrease an expenditure  
 B\* Increase an expenditure and increase a revenue  
 C\* Decrease an expenditure and decrease a revenue  
 D Decrease a revenue and increase a revenue

**Directions:** Check appropriate option. Only one option per form. Only one fund number per form.  
Please use whole dollar amounts only.

\*Requires board approval

| <input checked="" type="checkbox"/> Increase | <input type="checkbox"/> Decrease | Account Name | Amount    |
|--|-----------------------------------|--------------|-----------|
| 136 140 543.00                               |                                   | State Grant  | 53,699.00 |

53,699.00

| <input checked="" type="checkbox"/> Increase | <input type="checkbox"/> Decrease | Account Name              | Amount    |
|--|-----------------------------------|---------------------------|-----------|
| 136 140 743.00                               |                                   | Other Supplies            | 4,582.00  |
| 136 140 818.00                               |                                   | Contract Services         | 44,742.00 |
| 136 140 860.00                               |                                   | Travel                    | 2,850.00  |
| 136 140 860.01                               |                                   | Conventions & Conferences | 1,525.00  |

53,699.00

Check Figure -

To amend original budget for 86th District Court Fund under department 140 for the Hybrid DWI-Drug Court. This is a State grant through the Michigan Courts which supplies funding for court supervised treatment programs for individuals who abuse or are dependent upon any controlled substances or alcohol. Each grant program year runs between October 1st and September 30th of each year. Because we are on a calendar year, each subsequent year budget is dependent upon costs incurred during the first quarter of each year. Total budget for each of the two programs is \$61,000. Total costs of \$7,301 were incurred during the first quarter of the 2019 fiscal year.

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

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

Accountant Approval: C.A. Wolf

Date: 2/26/19

Finance Director Approval: Plan Bata

Date: 2/26/19

Board of Commissioner Meeting Approval Date: 3/6/19



## GRAND TRAVERSE COUNTY Budget Amendment Request

Department: **DPW**  
Submitted by: **John Divozzo, Director**  
Budget Number: **#27197**

### Budget Adjustment Option:

- A Increase an expenditure and decrease an expenditure
- B\* Increase an expenditure and increase a revenue
- C\* Decrease an expenditure and decrease a revenue
- D Decrease a revenue and increase a revenue

**Directions:** Check appropriate option. Only one option per form. Only one fund number per form.

Please use whole dollar amounts only.

\*Requires board approval

| <input checked="" type="checkbox"/> Increase | <input type="checkbox"/> Decrease | Account Number | Department Name         | Line item name | Amount      |
|--|-----------------------------------|----------------|-------------------------|----------------|-------------|
| 690  |                                   | 445 992.00     | GARFIELD TOWNSHIP SEWER | CONTINGENCY    | \$31,600.00 |
|  |                                   |                |                         |                | \$31,600.00 |

| <input checked="" type="checkbox"/> Increase | <input checked="" type="checkbox"/> Decrease | Account Number | Department Name         | Line item name | Amount      |
|--|--|----------------|-------------------------|----------------|-------------|
| 690  |  | 445 582.00     | GARFIELD TOWNSHIP SEWER | LOCAL GRANTS   | \$31,600.00 |
|  |  |                |                         |                | \$31,600.00 |
|  |  |                |                         |                | \$0.00      |

**Summary:** Kerr Pump Purchase Order #9372 \$31,579.90

There was an expenditure for Garfield Sewer impellers that was not in the 2019 budget-therefore, most of the contingency was used from the 2019 Garfield Sewer budget for this expense. As it is so early in the year we wanted to replace what was used so that there is contingency in case of another sewer emergency.

APPROVED AT THE BOARD OF PUBLIC WORKS MEETING FEBRUARY 14, 2019

|                            |  |                         |
|----------------------------|--|-------------------------|
| Signature:                 | <i>John Divozzo</i>                    | Date: February 15, 2019 |
| Accountant Approval:       | <i>J. C. A. Woy</i>                    | Date: 2/21/2019         |
| Finance Director Approval: | <i>Jan Bett</i>                        | Date: 2/25/19           |
|                            | Board of Commissioner Meeting Approval | Date:                   |



## GRAND TRAVERSE COUNTY Budget Amendment Request

Department:

Health Department

Submitted by:

Marissa Milliron

Budget Number:

27199

### Budget Adjustment Option:

- A Increase an expenditure and decrease an expenditure
- B\* Increase an expenditure and increase a revenue
- C\* Decrease an expenditure and decrease a revenue
- D Decrease a revenue and increase a expenditure

**Directions:** Check appropriate option. Only one option per form. Only one fund number per form.  
Please use whole dollar amounts only.

\*Requires board approval

| <input checked="" type="checkbox"/> Increase<br>Account Number | <input type="checkbox"/> Decrease | Account Name | Amount    |
|--|-----------------------------------|--------------|-----------|
| 222 212 543.00   |                                   | State grant  | 12,500.00 |

12,500.00

| <input checked="" type="checkbox"/> Increase<br>Account Number | <input type="checkbox"/> Decrease | Account Name                  | Amount   |
|--|-----------------------------------|-------------------------------|----------|
| 222 212 701.00   |                                   | Department head               | 2,000.00 |
| 222 212 702.00   |                                   | Full time & regular part-time | 6,000.00 |
| 222 212 715.00   |                                   | FICA                          | 1,000.00 |
| 222 212 716.00   |                                   | Health, optical               | 1,000.00 |
| 222 212 716.02   |                                   | Short & long-term disability  | 200.00   |
| 222 212 717.00   |                                   | Life insurance                | 100.00   |
| 222 212 718.00   |                                   | Retirement                    | 50.00    |
| 222 212 718.01   |                                   | Retirement DC                 | 750.00   |
| 222 212 718.05   |                                   | Retirement DB                 | 750.00   |
| 222 212 719.00   |                                   | Worker's compensation         | 150.00   |
| 222 212 727.00   |                                   | Office supplies               | 100.00   |
| 222 212 729.00   |                                   | Printing and binding          | 50.00    |
| 222 212 729.02   |                                   | Copy machine use              | 25.00    |
| 222 212 743.00   |                                   | Other supplies                | 275.00   |
| 222 212 748.00   |                                   | Gas, oil and grease           | 50.00    |

12,500.00

Check Figure

### Summary:

2019 budget for Blair Township PFAS response for the Carl's Retreading site. Grand Traverse County Health Department (GTCHD) submitted a projected budget to the State of Michigan for the response to this project. At this time, GTCHD is estimating the projected budget for calendar year 2019 to be around \$12,500. The budget is based on the remaining estimated expenses submitted in the grant budget to the Michigan Department of Health and Human Services (MDHHS).

Signature:

Marissa Milliron

Date: 2/20/2019

Accountant Approval:

C.A. Woy

Date: 2/24/2019

Finance Director Approval:

Sean Batt

Date: 2/25/19

Board of Commissioner Meeting Approval Date: 3/6/19



## GRAND TRAVERSE COUNTY Budget Amendment Request

**Department: Parks & Recreation Fund**

Submitted by: **Dean Bott**

Budget Number: 27198

**Budget Adjustment Option:**

- A Increase an expenditure and decrease an expenditure
- B\* Increase an expenditure and increase a revenue
- C\* Decrease an expenditure and decrease a revenue
- D Decrease a revenue and increase a revenue

**Directions:** Check appropriate option. Only one option per form. Only one fund number per form. Please use whole dollar amounts only.

\*Requires board approval

| <input checked="" type="checkbox"/> Increase | <input type="checkbox"/> Decrease | Account Name                    | Amount    |
|--|-----------------------------------|---------------------------------|-----------|
| Account Number                               |                                   |                                 |           |
| 208-752-625.00                               |                                   | Contributions - Private Sources | 10,000.00 |

10,000.00

| <input checked="" type="checkbox"/> Increase<br>Account Number | <input type="checkbox"/> Decrease | Account Name | Amount    |
|--|-----------------------------------|--------------|-----------|
| 208-752-976.01   |                                   | Improvements | 10,000.00 |

10,000.00

Check Figure

### **Summary:**

Budget private donation received for improvements to the outdoor amphitheater at the Civic Center.

Signature:

Date: 2/15/2019

Accountant Approval:

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

Finance Director Approval: Dean Bott

Date: 2/15/2019

Board of Commissioner Meeting Approval Date: 3/6/2019



## GRAND TRAVERSE COUNTY Budget Amendment Request

Department: Special Assessment Drain - Cass Road

Submitted by: FINANCE

Budget Number: 27191

### Budget Adjustment Option:

- A Increase an expenditure and decrease an expenditure
- B\* Increase an expenditure and increase a revenue
- C\* Decrease an expenditure and decrease a revenue
- D Decrease a revenue and increase a revenue

**Directions:** Check appropriate option. Only one option per form. Only one fund number per form.

Please use whole dollar amounts only.

\*Requires board approval

| <input checked="" type="checkbox"/> Increase | <input type="checkbox"/> Decrease | Account Name         | Amount   |
|--|-----------------------------------|----------------------|----------|
| 842 501 401.00                               |                                   | Fund Balance Forward | 7,880.00 |

7,880.00

| <input checked="" type="checkbox"/> Increase | <input type="checkbox"/> Decrease | Account Name      | Amount   |
|--|-----------------------------------|-------------------|----------|
| 842 501 730.00                               |                                   | Postage           | 100.00   |
| 842 501 808.00                               |                                   | Attorney Fees     | 2,280.00 |
| 842 501 818.00                               |                                   | Contract Services | 3,000.00 |
| 842 501 910.00                               |                                   | Insurance & Bonds | 2,000.00 |
| 842 501 995.00                               |                                   | Interest & Fees   | 500.00   |

7,880.00

Check Figure -

To amend the 2019 original budget for the Cass Road Drain, using the remaining fund balance and adjusting for anticipated costs related to the project bid and special assessment preliminary work.

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

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

Accountant Approval: C. A. Woy

Date: 2/13/19

Finance Director Approval: Ivan Bott

Date: 2/13/19

Board of Commissioner Meeting Approval Date: \_\_\_\_\_



## Action Request

|                    |  |                      |   |
|--------------------|--|----------------------|---|
| Meeting Date:      | March 6th, 2019                            |                      |   |
| Department:        | Sheriff - Corrections                      | Submitted By:        | Capt. Ritter  |
| Contact E-Mail:    | tritter@gtsheriff.org                      | Contact Telephone:   | 231-922-4535  |
| Agenda Item Title: | Medical Services Contract for Jail Inmates |                      |   |
| Estimated Time:    | 15 Min<br>(in minutes)                     | Laptop Presentation: | <input type="radio"/> Yes <input checked="" type="radio"/> No |

**Summary of Request:**

After an extensive RFP process and review, the Grand Traverse Sheriff's Office is recommending to enter a three (3) year contract with, Wellpath, our current medical provider.

Please see attached

**Suggested Motion:**

The Grand Traverse County Sheriffs Office requests authorization from the Grand Traverse County Board of Commissioners to award the Jail Medical Service contract Wellpath for a period of three (3) years beginning March 1, 2019 and ending February 28, 2022 at the base contract cost of \$601,190 for the first year, \$619,229 for the second year and \$637,803 for the third and final year of the contract.

**Financial Information:**

|             |                    |                     |   |
|-------------|--------------------|---------------------|---|
| Total Cost: | General Fund Cost: | Included in budget: | <input checked="" type="radio"/> Yes <input type="radio"/> No |
|-------------|--------------------|---------------------|---|

If not included in budget, recommended funding source:

This section for Finance Director, Human Resources Director, Civil Counsel, and Administration USE ONLY:

|   |           |      |
|---|-----------|------|
| <b>Reviews:</b><br>Finance Director                         | Signature | Date |
| Human Resources Director                                    |           |      |
| Civil Counsel   |           |      |
| <b>Administration:</b> <input type="checkbox"/> Recommended | Date:     |      |
| <b>Miscellaneous:</b>                                       |           |      |

**Attachments:**

Attachment Titles:  
Medical Services Proposal Memo

Revised: 9-2016

**R E S O L U T I O N**  
**XX-2019**  
**Medical Services Contract for Jail Inmates**

WHEREAS, the Grand Traverse County Board of Commissioners met in regular session on March 6, 2019, and reviewed request to award the jail medical service contract to Wellpath for a period of three (3) years; and,

WHEREAS, After an extensive RFP process and review, the Grand Traverse Sheriff's Office recommends entering into a three (3) year contract with, Wellpath, our current medical provider; and,

WHEREAS, The contract will be for the period March 1, 2019 through February 28, 2022, with the base contract cost of \$601,190 for the first year, \$619,229 for the second year and \$637,803 for the third year of the contract; and,

NOW THEREFORE BE IT RESOLVED THAT THE Grand Traverse County Board of Commissioners, approve a contract with Wellpath for medical services for jail inmates for 3 years, March 1, 2019 through February 28, 2022, with the base contract cost of \$601,190 for the first year, \$619,229 for the second year and \$637,803 for the third year of the contract.

BE IT FURTHER RESOLVED THAT, the Board of Commissioners authorizes the Board Chair or County Administrator to effectuate the necessary documents to implement the Board authorized action.

APPROVED: March 6, 2019

# THOMAS J. BENSLEY, SHERIFF

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## Grand Traverse County Sheriff's Office Memorandum



851 Woodmere Avenue  
Traverse City, Michigan, 49686

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To: Grand Traverse County Board of Commissioners  
From: Captain Todd H. Ritter  
**RE: Medical Service Proposals**  
Date: February 15, 2019

Grand Traverse County has a contract with a vendor who supplies medical services to the Grand Traverse County Jail. These services include a doctor, nurses, operation of the jail medical clinic and associated costs, all medications and pharmaceuticals (including over-the-counter, prescription, psychotropic, HIV, Hepatitis and Biological), Emergency Room and hospitalization, laboratory services, X-Ray services, dental services, and specialists. The current three-year contract with Wellpath (formerly CHC) expires February 28, 2019. The annual base amount of the contract is \$590,000.

There is a contractual "cap" of \$85,000 for all medications and medical services to the inmates. This is included in the contract amount. If these costs exceed the "cap", then the County bears 100% of the excess over the "cap". If costs are less than the "cap", the vendor refunds 100% of the difference. Inmates in the past couple of years have presented some very serious medical illnesses and injuries which required outside treatment. The actual cost of the jail medical program for 2018 was \$555,649.

### **HISTORY:**

We have had a contract with our current vendor (Wellpath) since March 1, 2010. Prior to Wellpath, the county contracted with a local doctor to act as the Medical Director of the jail medical program; the nurses were county employees. In the two years prior to contracting with Wellpath, the county had approved three (3) FTE positions for Registered Nurses at the jail. In reality, we were only able to consistently fill two of the positions, as the position of "Jail Nurse" was not a highly sought after job in the community and the wages and benefits were considered non-competitive with other nurse positions in the community.

Issues with nurse staffing, training of staff, staff medical support, and backfilling nurses plagued the nursing position within the jail. Combined with increasing healthcare costs, prescription costs, and keeping abreast of contemporary correctional medicine, the "in-house" medical services program became virtually impossible to manage for a facility of our size.

The move to a managed correctional healthcare system was made in March, 2010. The new correctional healthcare program brought stability to the nursing staff, standardized the policies, procedures and protocols, introduced a safer and more economic approach to the dispensing of medications and delivery of medical services, and improved the liability protection for the county. The new program now meets state and federal rules and guidelines. It presents a viable means of maintaining current knowledge in the area of contemporary correctional medicine. The staffing of the jail medical program is 100% the responsibility of the vendor.

**PROCESS:**

The Grand Traverse County Sheriff's Office recently solicited proposals from eight (8) vendors who had indicated an interest in providing medical services to the jail. In addition, we advertised the Request for Proposals in the Traverse City Record-Eagle on Saturday, December 29, 2018, and Sunday, December 30, 2018, as per county policy.

Vendors also received facility data detailing the jail's medical history and associated costs for the past three (3) years of the current contract.

Vendors who received "Request for Proposal" invites were:

1. **Wellpath (Formerly CHC)**  
3343 Perimeter Hill Drive, Suite 300  
Nashville, TN 37211
2. **Medical Doctor Associates**  
145 Technology Parkway NW  
Norcross, GA 30092
3. **Just Care, Inc.**  
1714 Platt Place  
Montgomery, AL 36117
4. **Medical Partners of America, Inc.**  
195 International Parkway, Suite 102  
Lake Mary, FL 32746
5. **Advanced Correctional Healthcare**  
3922 W. Baring Trace  
Peoria, IL 61615-2500
6. **Armor Correctional Health Services, Inc.**  
4960 S. W. 72<sup>nd</sup> Ave., Suite 400  
Miami, FL 33155

7. **NaphCare, Inc.**  
2090 Columbiana Rd., Suite 4000  
Birmingham, AL 35216

Pre-Bid Conference:

On Wednesday, January 9, 2019, a mandatory “Pre-Bid Conference” was held at the jail for any interested medical service vendors. The conference offered prospective vendors the opportunity to review the Request for Proposal and ask any clarifying questions. It also allowed the vendors an opportunity to tour our jail medical facilities and ask questions about our medical service program.

Vendors who attended the mandatory “Pre-Bid Conference” were:

- 1. Wellpath**
- 2. Advanced Correctional Healthcare**

Proposals were accepted and publicly opened on Friday, January 25, 2019. Vendors who submitted a proposal for our medical service were:

- 1. Wellpath**
- 2. Advanced Correctional Healthcare**

There were no additional responses received from anyone who viewed the Request for Proposal Legal Notices in the Traverse City Record-Eagle.

Vendors who were present at the opening of the proposals were:

**None**

**EVALUATION PROCESS:**

Five (5) Corrections staff served as an evaluation team and conducted an in-depth, individual review and evaluation of each of the proposals submitted. The team evaluated each vendor in areas such as responsiveness to the Request for Proposal, experience and reputation for providing jail medical services, references, how the vendor met contractual obligations, customer satisfaction, litigation history, cost, operational methods, after hour emergencies, training, billing procedures, and implementation plan.

References Contacted:

|  |                                    |
|--|------------------------------------|
| Leelanau County Sheriff's Office       | (Advanced Correctional Healthcare) |
| Monroe County Adult Detention Facility | (Advanced Correctional Healthcare) |
| Livingston County Sheriff's Office     | (Wellpath)                         |
| Isabella County Sheriff's Office       | (Wellpath.)                        |

## **EVALUATION:**

After analyzing each vendor's proposal, the evaluation team made the following determinations:

Response to the RFP: Both Vendors were found to have been responsive to the Request for Proposal.

Organizational History: Advanced Correctional Healthcare has been in business since 2002, they now in 24 counties in Michigan.

Wellpath has been in business for over 20 years and have 43 facilities in 36 counties in Michigan.

References: All agencies that were contacted as "references" were very satisfied with the services of their vendor and would recommend renewing their contracts when they expired. Each facility indicated that they felt that their vendor met all contractual obligations. There were two counties which indicated that they were dissatisfied with the customer service of ACH at times, but that it seemed to be improving as the company grows.

Litigation History: Each vendor provided litigation history in their proposal. Both vendors appear to be proactive in their risk management to reduce exposure to liability. Both vendors have an excellent record of defending and prevailing in litigation involving medical issues. Both vendors provided liability insurance information.

Cost: Both vendors were comparable in cost. Wellpath was \$4,154 less than ACH in year one, it is hard to compare beyond that as ACH has indicated an annual increase based on the CPI, whereas, Wellpath has given a hard cost for each year outlined in the contract.

Emergencies: Each vendor had "on-call" medical personnel identified in the event of an emergency. Each plan was essentially the same and would provide sufficient consult in the event of after-hour medical needs.

Training: Each vendor offered an array of training to their employees as well as to the jail officers. The plans were determined to be comparable.

Billing Procedures: ACH did not indicate an itemized billing for their services. Wellpath provides detailed billing to support their invoices.

Implementation Plan: ACH did not address how they would transition/implement their services. WELLPATH is our current vendor and transition/implementation would not be an issue.

**VENDOR COMPARISONS:**

|   | <b><u>WELLPATH</u></b>  | <b><u>ACH</u></b>  |
|---|---|--|
| 1. Responsive to RFP                    | Yes   | No   |
| 2. Number of years in Medical Service   | 20+   | 10   |
| 3. Number of Facilities in Michigan     | 43  | 26   |
| 4. References/Satisfied?                | Yes   | Yes  |
| 5. Risk Management/Liability Protection | Yes   | Yes  |
| 6. Liability Insurance                  | \$1 mill/claim<br>\$5 mill aggregate<br>\$6 mill/claim<br>\$10 mill aggregate | \$1 mill/claim<br>\$3 mill aggregate<br>\$10 mill/claim<br>\$10 mill aggregate |
| Umbrella:                               |   |  |
| 7. Base Contract Cost                   | Yr1 \$601,190<br>Yr2 \$619,226<br>Yr3 \$637,803                               | \$605,344<br>*annual increases based<br>on CPI (not more than 3.5%)            |
| 8. “Cap”                                | \$85,000  | \$85,000   |
| 9. Personnel/hours per week             |   |  |
| Doctor                                  | 4 hours   | (not specified)  |
| Nurses (RN's)                           | 96 hours  | 88   |
| Nurses (LPN's)                          | 24 hours  | 32   |
| 10. After-hour/emergency contacts       | Yes   | Yes  |
| 11. Training for staff and officers     | Yes   | Yes  |

**COST ANALYSIS:**

It is impossible to predict what illnesses or injuries the inmates will have when they enter the jail. All we can do is use historical figures to help gauge the level of services that will be necessary to treat these conditions. Many inmates who enter the jail do not have the economic means to maintain a healthy lifestyle and do not receive adequate medical care on the streets. The medical conditions they may have are left untreated and become more serious in time. Federal laws require us to address those medical conditions and stabilize the health of the inmates. In many cases, this involves hospitalization at the expense of the county.

The hospital and other facilities are required to bill any inmate insurance companies, but most inmates do not have insurance so the costs ultimately are borne by the county. State laws allow the jail to seek reimbursement from the inmate for these costs. The Sheriff's Office has a process to collect money from the inmate; however, the realized revenue is only a small percentage of the medical costs.

**CONCLUSIONS/RECOMMENDATION:**

It is the recommendation of the evaluation team that we continue our jail medical service with Wellpath (formerly CHC) for the next three (3) year contract period.

**RESOLUTION:**

The Grand Traverse County Sheriff's Office requests authorization from the Grand Traverse County Board of Commissioners to award the Jail Medical Service contract Wellpath for a period of three (3) years beginning March 1, 2019 and ending February 28, 2022 at the base contract cost of \$601,190 for the first year, \$619,229 for the second year and \$637,803 for the third and final year of the contract.

Thank you.

Respectfully submitted:



Captain Todd H. Ritter, CJM  
Jail Administrator



## Action Request

|                    |                                       |  |              |
|--------------------|---------------------------------------|--|--------------|
| Meeting Date:      | March 6th, 2019                       |  |              |
| Department:        | Central Dispatch/911                  | Submitted By:  | Jason Torrey |
| Contact E-Mail:    | jtorrey@grandtraverse.org             | Contact Telephone:   | 231 922 4751 |
| Agenda Item Title: | NG911 Call Handling System Agreements |  |              |
| Estimated Time:    | (in minutes)                          | Laptop Presentation: <input type="radio"/> Yes <input checked="" type="radio"/> No |              |

### Summary of Request:

For the past several years, 911 agencies throughout the state have been moving from a legacy 911 network constructed of hard wired copper circuits to a more modern based IP network on modern fiber circuitry. In 2015 Grand Traverse County approved a plan to work with other regional 911 centers to form a collaboration of 911 agencies that would work together to leverage the flexibility and redundancy of the new 911 network. This collaboration is constructed with Grand Traverse and CCE Dispatch Authority acting as "host sites" and Wexford, Antrim, Kalkaska, and Missaukee County's connecting as "remote sites".

Agreements to add Antrim and Kalkaska County's were approved in November 2018. Attached are agreements to add Wexford and Missaukee County's and complete the collaboration as designed, and an agreement with CCE Central Dispatch Authority outlining the process for conducting back up 911 call taking processes.

All agreements were reviewed by civil counsel, and approved by the 911 Board of Directors.

### Suggested Motion:

Approve intergovernmental agreements with Wexford and Missaukee County's, and the back up PSAP agreement, as presented.

### Financial Information:

|             |     |                    |     |                     |   |
|-------------|-----|--------------------|-----|---------------------|---|
| Total Cost: | \$0 | General Fund Cost: | \$0 | Included in budget: | <input type="radio"/> Yes <input checked="" type="radio"/> No |
|-------------|-----|--------------------|-----|---------------------|---|

If not included in budget, recommended funding source:

This section for Finance Director, Human Resources Director, Civil Counsel, and Administration USE ONLY:

|   |           |      |
|---|-----------|------|
| <b>Reviews:</b><br>Finance Director                         | Signature | Date |
| Human Resources Director                                    |           |      |
| Civil Counsel   |           |      |
| <b>Administration:</b> <input type="checkbox"/> Recommended | Date:     |      |
| <u>Miscellaneous:</u>                                       |           |      |

### Attachments:

Attachment Titles:

**R E S O L U T I O N**  
**XX-2019**  
**911 Call Handling System Agreements**

WHEREAS, the Grand Traverse County Board of Commissioners met in regular session on March 6, 2019 and reviewed request to approve intergovernmental agreements with Wexford County and Missaukee County as well as the backup PSAP agreement; and,

WHEREAS, For the past several years, 911 agencies throughout the state have been moving from a legacy 911 network constructed of hard wired copper circuits to a more modern based IP network on modern fiber circuitry; and,

WHEREAS, In 2015, Grand Traverse County approved a plan to work with other regional 911 centers to form a collaboration of 911 agencies that would work together to leverage the flexibility and redundancy of the new 911 network; and,

WHEREAS, This collaboration is constructed with Grand Traverse and Charlevoix, Cheboygan, Emmet (CCE) Dispatch Authority acting as “host sites” and the counties of Wexford, Antrim, Kalkaska, and Missaukee connecting as “remote sites”; and,

WHEREAS, Agreements to add Antrim County and Kalkaska County were approved in November 2018 and the agreements to add Wexford County and Missaukee County will complete the collaboration as designed and an agreement with CCE Central Dispatch Authority outlines the process for conducting back up 911 call taking; and,

WHEREAS, All agreements were reviewed by Civil Counsel and approved by the 911 Board of Directors.

NOW THEREFORE BE IT RESOLVED THAT THE Grand Traverse County Board of Commissioners approve intergovernmental agreements with Wexford County and Missaukee County as well as the back-up Public Safety Answering Points (PSAP) Agreement.

BE IT FURTHER RESOLVED THAT, the Board of Commissioners authorizes the Board Chair or County Administrator to effectuate the necessary documents to implement the Board authorized action.

APPROVED: March 6, 2019

**AGREEMENT TO ADD WEXFORD COUNTY CENTRAL DISPATCH TO AN  
INTERLOCAL AGREEMENT FOR NG-911 CALL HANDLING SYSTEM PROJECT  
AS A REMOTE SITE**

This Agreement to add Wexford County Central Dispatch to an Interlocal Agreement for NG-911 Call Handling System Project as a Remote Site is entered into by and between Grand Traverse County (Grand Traverse), Charlevoix Cheboygan Emmet Central Dispatch Authority (CCE) and Missaukee County.

**RECITALS**

**WHEREAS**, Grand Traverse County and the Charlevoix Cheboygan Emmet Central Dispatch Authority (CCE), hereafter referred to as the "Collaborative Entities", entered into a Call Handling System Project Agreement pursuant to the Intergovernmental Contracts Between Municipalities Act (MCL 124.1 et seq) on March 9, 2018 to create a redundant multi-county 9-1-1 telephone equipment project and to facilitate cost sharing for onsite maintenance and any mutually agreed upon enhancements or upgrades; and

**WHEREAS**, Collaborative Entities selected West's Viper and Power 911 system for their 9-1-1 call handling equipment. This system has two host locations, one at Grand Traverse Central Dispatch/911 and one at CCE Central Dispatch Authority, herein referred to as the "host sites". The Host sites have redundant hardware and provide the ability to serve as alternate/virtual Public Safety Answering Points (PSAPs) to each other, and have the ability to add on remote sites. Remote sites must have the compatible hardware and provide their own connection into the Host sites, with the ability to serve as an alternative/virtual PSAP. All host sites and remotes sites will have the ability to become virtual back up 9-1-1 Centers during policy- driven circumstances including, but not limited to, preplanned maintenance downtime, system compromise due to power failure or forced evacuation; and

**WHEREAS**, the Amended NG 9-1-1 Call Handling System Project provides that before a remote site may be added to the Collaboration, all current Collaborative Entities must vote to approve adding the remote site to the membership; and

**WHEREAS**, Wexford County is interested in joining the Collaborative Entities as a remote site; and

**WHEREAS**, Wexford County has submitted letters of interest to Grand Traverse and CCE, which have been approved by both entities; and

**WHEREAS**, Wexford County has otherwise met all of the requirements to become a remote site on the network; and

**WHEREAS**, to join the Collaborative Entities, Wexford County is required to sign the intergovernmental agreement and provide a resolution from its appropriate governance; and

WHEREAS, Wexford County, by Resolution dated August 1, 2018, agrees to become a remote site per the terms and conditions of the Interlocal Agreement;

NOW, THEREFORE, IT IS AGREED AMONG Grand Traverse County, CCE and Wexford County to the following terms and conditions as a First Amendment to the Interlocal Agreement for NG-9-1-1 Call Handling System Project:

**AGREED UPON FIRST AMENDMENT**

Wexford County Central Dispatch is a party to the Interlocal Agreement for NG 9-1-1 Call Handling System Project and joins the Collaborative Entities as a remote site. All terms and conditions of the original agreement shall apply to Wexford County Central Dispatch as though it were a party to the original agreement.

CCE Central Dispatch Authority

By: John Wallen  
Vice-Chairperson CCE Central Dispatch Authority

Date: 2/20/19, 2018

Attest: Pamela Woodbury

Grand Traverse County

By: \_\_\_\_\_  
Chairperson Grand Traverse County  
Board of Commissioners

Date: \_\_\_\_\_, 2018

Attest: \_\_\_\_\_  
Grand Traverse County Clerk

Date \_\_\_\_\_, 2018

Wexford County Central Dispatch

By: Duane Alworden  
Duane Alworden, Director  
911 Central Dispatch

Date 9/2/18, 2018

**AGREEMENT TO ADD MISSAUKEE COUNTY 9-1-1 DISPATCH TO AN  
INTERLOCAL AGREEMENT FOR NG-911 CALL HANDLING SYSTEM PROJECT  
AS A REMOTE SITE**

This Agreement to add Missaukee County 9-1-1 Dispatch to an Interlocal Agreement for NG-911 Call Handling System Project as a Remote Site is entered into by and between Grand Traverse County (Grand Traverse), Charlevoix Cheboygan Emmet Central Dispatch Authority (CCE) and Missaukee County.

**RECITALS**

**WHEREAS**, Grand Traverse County and the Charlevoix Cheboygan Emmet Central Dispatch Authority (CCE), hereafter referred to as the "Collaborative Entities", entered into a Call Handling System Project Agreement pursuant to the Intergovernmental Contracts Between Municipalities Act (MCL 124.1 et seq) on March 9, 2018 to create a redundant multi-county 9-1-1 telephone equipment project and to facilitate cost sharing for onsite maintenance and any mutually agreed upon enhancements or upgrades; and

**WHEREAS**, Collaborative Entities selected West's Viper and Power 911 system for their 9-1-1 call handling equipment. This system has two host locations, one at Grand Traverse Central Dispatch/911 and one at CCE Central Dispatch Authority, herein referred to as the "host sites". The Host sites have redundant hardware and provide the ability to serve as alternate/virtual Public Safety Answering Points (PSAPs) to each other, and have the ability to add on remote sites. Remote sites must have the compatible hardware and provide their own connection into the Host sites, with the ability to serve as an alternative/virtual PSAP. All host sites and remotes sites will have the ability to become virtual back up 9-1-1 Centers during policy- driven circumstances including, but not limited to, preplanned maintenance downtime, system compromise due to power failure or forced evacuation; and

**WHEREAS**, the Amended NG 9-1-1 Call Handling System Project provides that before a remote site may be added to the Collaboration, all current Collaborative Entities must vote to approve adding the remote site to the membership; and

**WHEREAS**, Missaukee County is interested in joining the Collaborative Entities as a remote site; and

**WHEREAS**, Missaukee County will submit a letter of interest to Grand Traverse and CCE, which requires approval by both entities; and

**WHEREAS**, Missaukee County has otherwise met all of the requirements to become a remote site on the network; and

**WHEREAS**, to join the Collaborative Entities, Missaukee County is required to sign the intergovernmental agreement and provide a resolution from its appropriate governance; and

WHEREAS, Missaukee County, by Resolution dated October 9<sup>th</sup>, 2018, agrees to become a remote site per the terms and conditions of the Interlocal Agreement;

NOW, THEREFORE, IT IS AGREED AMONG Grand Traverse County, CCE and Missaukee County to the following terms and conditions as a First Amendment to the Interlocal Agreement for NG-9-1-1 Call Handling System Project:

**AGREED UPON FIRST AMENDMENT**

Missaukee County Central Dispatch is a party to the Interlocal Agreement for NG 9-1-1 Call Handling System Project and joins the Collaborative Entities as a remote site. All terms and conditions of the original agreement shall apply to Missaukee County 9-1-1 Dispatch as though it were a party to the original agreement.

**CCE Central Dispatch Authority**

By: John Waller  
Vice-Chairperson CCE Central Dispatch Authority

Date: 2/20/2019, 2018

Attest: Pamela Woodbury

**Grand Traverse County**

By: \_\_\_\_\_  
Chairperson Grand Traverse County  
Board of Commissioners

Date: \_\_\_\_\_, 2018

Attest: \_\_\_\_\_  
Grand Traverse County Clerk

Date \_\_\_\_\_, 2018

**Missaukee County 9-1-1 Dispatch**

By: J.D. Bl  
James D. Bosscher, Sheriff

Date 10-09, 2018

# **Backup PSAP Agreement**

This agreement made this 13th day of November, 2018 by and between CCE 911 Central Dispatch and Grand Traverse County Central Dispatch, the "PSAP's", both to serve as a "Backup PSAP" to the other, and collectively known as the "parties".

**WHEREAS**, the installation of the Next Generation 9-1-1 telephone system will provide one common number to call to receive public safety assistance and is intended to assure the caller that his/her request for assistance will be answered and that the appropriate emergency response agency will be notified as a result of dialing 9-1-1; and

**WHEREAS**, the parties desire to formalize an arrangement whereby 9-1-1 calls are properly routed; and

**WHEREAS**, it is understood that in the event that 9-1-1 calls are unable to be answered by the PSAP, all 9-1-1 calls will be routed to the Backup PSAP:

**NOW THEREFORE**, the parties agree as follows:

## **ARTICLE I. General Purpose**

It is the purpose of this Agreement to establish certain procedures for handling 9-1-1 calls between the PSAP and the Backup PSAP in the event that the PSAP is unable to receive or transfer its 9-1-1 calls or must evacuate the PSAP.

## **ARTICLE II. Definitions**

- A. PSAP – Public Safety Answering Point as defined by the Emergency Services Communication Bureau.
- B. Backup PSAP – An Alternate PSAP, be it Municipal, County or State, designated to take calls on a backup basis and transfer them or process and dispatch them in accordance with mutually agreed upon call handling and dispatching procedures.
- C. ANI/ALI – Automatic Number Identification/Automatic Location Identification
- D. 9-1-1 Call or 9-1-1 Calls – Calls made via a phone or text to a 9-1-1 Dispatch Center.

## **ARTICLE III. Conditions**

- A. The services provided as a result of this Agreement are considered services to the general public and this Agreement shall not be construed to create an employer-employee, principal-agent or co-partnership relationship between the parties.

- B. The cost of operating the PSAP and the Backup PSAP shall remain the responsibilities of the respective parties.
- C. This Agreement applies to IP based NG9-1-1 telephone calls and text that are not answered by the PSAP due to a compromised call handling system, call overload, or forced evacuation of the primary PSAP, and therefore routed to the Backup PSAP.

#### **ARTICLE IV. Procedures**

- A. 9-1-1 calls not answered by the PSAP due to a condition listed in Article III C will be routed to the Backup PSAP.
- B. In the event the PSAP staff is required to evacuate the premises, the PSAP will notify the Backup PSAP and route their 9-1-1 calls to them through the VIPER system or the PFN network.

- C. Unless previously notified by the PSAP that they have rerouted their 911 calls, the Backup PSAP, upon receiving a 911 call originally designed for the primary PSAP, shall attempt to transfer the call back to the PSAP.

Information on the ANI/ALI screen, such as location or emergency response agency(s) listed will alert the call taker that the call originated from another PSAP.

- D. The Backup PSAP shall, while attempting to transfer the call back to the originating PSAP, stay on the line with the caller. If answered by the originating PSAP, the backup PSAP will remain connected (monitoring the call) or disconnect from the 9-1-1 call after ensuring that the call transfer has been completed.
- E. If the 911 call transfer goes unanswered, the Backup PSAP call taker will take certain information to start processing the call.
  - i.) Type of incident/action request.
  - ii.) Verify location information and where emergency services are needed.
  - iii.) Verify telephone callback number and ask name of caller.
  - iv.) Time of incident.
- F. It may be the judgement of the Backup PSAP dispatcher that circumstances require immediate or direct contact with the originating PSAP via mobile radio to relay a message. When possible the procedure described above in (D) shall be used.
- G. The PSAP will continually maintain and provide to the Backup PSAP a list of resources (i.e. primary contact telephone numbers, other information as agreed upon) to enable the Backup PSAP to contact emergency services if that becomes necessary in order to handle the emergency. As changes arise, updated information shall be forwarded as soon as possible.
- H. In the event the PSAP has to evacuate their facility, the PSAP will forward all their 911 calls to the backup PSAP through the VIPER Multi-Node or the PFN Network.

- I. The PSAP agrees to send their staff to the backup PSAP as soon as possible to take calls and dispatch from a position provided by the backup PSAP.
- J. The backup PSAP agrees to answer and Dispatch the PSAP's calls until the PSAP's staff can arrive at their facility.
- K. If it is determined at a later date that it is necessary to provide other communications equipment or procedures so as to be able to accomplish the purpose of this Agreement, amendments to this Agreement may be executed identifying the cost obligations of each party for such additional equipment.
- L. The parties shall review this agreement annually.

#### **ARTICLE V. Relationship between the Parties**

In consideration of the mutual services provided herein, both parties agree that nothing contained herein is intended to be or should be construed in any manner as creating or establishing the relationship of co-partners between the parties hereto or as constituting an agency relationship in any manner whatsoever. The individual parties are and shall remain independent entities with respect to all services performed under this Agreement.

Each party represents that it has, or will secure all its expense, all personnel required in performing its service obligation under this Agreement and that the acts of its employees performing the service under this Agreement shall be the acts of employees of that entity alone.

Each party agrees that in the performance of this mutual service, its employees shall not require nor be entitled to any compensation, rights or benefits of any kind whatsoever from the other entity to this Agreement, including, but not limited to, tenure rights, medical and hospital care, sick and vacation leave, disability, Worker's Compensation, Unemployment Compensation or severance pay.

To the fullest extent permitted by law, each party agrees to defend, pay on behalf of, indemnify, and hold harmless the other party, its elected and appointed officials, employees, and volunteers, and others working on behalf of the other party, against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed, or recovered against or from the other party by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of, or is in any way connected or associated with this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have signed this Agreement on the  
13th day of November, 2018.

CCE Central Dispatch

Grand Traverse County Central Dispatch

Pamela A Woodbury  
Executive Director

Board Chair



December 10, 2018

Mr. Nate Alger  
County Administrator  
Grand Traverse County  
400 Boardman Avenue, Suite 305  
Traverse City, MI 49684

RE: TVC Airport Governance

Dear Mr. *Nate* Alger:

On behalf of the Northwestern Regional Airport Commission (NRAC), I would like to thank you for taking the time on November 5<sup>th</sup> to discuss future airport governance models and allowing me to introduce you to our consultants on this issue, Steven Baldwin Associates (SBA).

In August of 2017, the NRAC determined that it was appropriate to engage in strategic planning for the Airport. The NRAC contracted with SBA to perform strategic planning initiatives and to provide the Commission with recommendations regarding the current operating agreement. SBA is a nationally recognized firm that specializes in airport management, organizational, and governmental review, strategic planning, and economic development.

These strategic planning initiatives have identified opportunities for the Cherry Capital Airport (TVC) to improve upon its existing operations, including the current governance model. The initial research by SBA regarding governance models for TVC has presented four main options: 1) maintain the current governance model, 2) modify the current model, 3) create an Airport Authority under the current Michigan statute, or 4) draft new State legislation in an effort to advance an Authority model tailored specifically to the Airport's needs.

Initial discussions on the topic of governance in relation to the strategic planning efforts have indicated that the Airport Authority governance model, under Michigan Public Act 95 of 2015, otherwise known as the Regional Airport Authority Act, would likely best suit TVC in its mission to efficiently and effectively operate the Airport. This model reflects in large part the way the NRAC is operating today. However, transitioning to an Authority would provide the NRAC with some tools that it does not have today which would support TVC's mission. For example, becoming an Authority under this Act would allow the Airport to acquire and sell real property as well as issue debt—actions the current Commission cannot take on its own.

On September 25, 2018, following a strategic planning study session, the NRAC directed SBA to continue research on the Authority model of governance for TVC and to provide project support to Airport management in this endeavor.

As part of the effort to evaluate a governance model appropriate for TVC, it has been identified that a joint advisory committee of the two counties and the Commission should be established to serve in an advisory capacity during this process. The Commission invites you to serve on this proposed Airport Governance Advisory Committee.

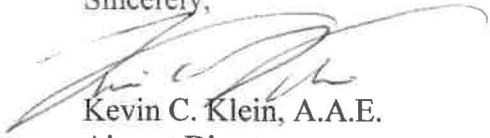
We would like for the Committee to be comprised of members from Grand Traverse County, Leelanau County, and the Northwestern Regional Airport Commission. The members will meet to discuss ongoing research into governance models, assist with coordination among County governments and administrative bodies, and help to draft required Airport transition agreements as directed. It is envisioned that the Advisory Committee will have six members, two designated members from each body, and would ideally be made up of both elected officials and executive administrators from the two counties. Non-voting members, such as legal counsel from each group, are encouraged to attend Committee meetings to provide expert guidance during discussions. It is expected the Committee will meet from three to five times, with the first meeting being planned for February 2019.

In furtherance of this project and to provide your Commission with an overview, I request to attend your January Executive/Study Session meeting of the County Commission to present on the project and discuss any questions the Commissioners may have regarding the formation of the Airport Governance Advisory Committee and its mission.

If you have any comments or questions regarding the formation of the Committee, or the initial research into governance models, please contact me by email at [kevin.klein@tvcairport.com](mailto:kevin.klein@tvcairport.com) or by phone at 231-947-2250.

Thank you for your help with this important Airport project.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin C. Klein".

Kevin C. Klein, A.A.E.  
Airport Director

Cherry Capital Airport

# GOVERNANCE: Advisory Committee, TVC History, Overview of Models

March 6, 2019 | Grand Traverse County



# Today's Discussion

- Airport Governance Advisory Committee
  - Governance Review Process
- Governance History of TVC
- Looking to the Future
- Governance Models
  - Trends in Airport Governance Models
  - Benefits of Available Models
- Next Steps
- Discussion

# Airport Governance Advisory Committee

- The Northwestern Regional Airport Commission (NRAC) is requesting the County appoint resources to serve with the Airport Governance Advisory Committee.
  - We suggest three persons including: the County Administrator or his designee, plus two additional members at the County's discretion.
  - Leelanau County appointed: one County Administrator and two members from the County board – one of whom also serves on the Airport Commission.
- Committee Purpose:
  - Discuss ongoing research into airport governance models,
  - Assist with coordination among County governments and administrative bodies to advance any changes deemed necessary for the NARC, and
  - Provide input to required Airport governance documents.
- The review process will lead to recommended actions by both County Boards.

# Governance Review Process: Fundamentals

## Fundamental Components Needed

- Committee
- Clear goals
- Structured discussions

# Governance History of TVC 1935 - 1971



- Traverse City opens current airport location
- Airport transfers to the U.S. Government (Navy) for WWII efforts
- U.S. Government transfers the Airport back to Traverse City
- Traverse City identifies the Airport as a regional asset and wants to work with the Counties to help make improvements to the Airport
- Northwestern Regional Airport Commission is formed, includes Traverse City, Grand Traverse County, and Leelanau County

# Governance History of TVC 1972 - Present



- Traverse City leaves the NRAC and conveys the property to Grand Traverse and Leelanau Counties
- Grand Traverse County and Leelanau County remain with NRAC

- Leelanau County inquires about alternative governance models (e.g., Authority, Commission, Money Contribution)

- In essence, NRAC has operated the Airport independently from the Counties by means of an appointed Airport Commission Board

# Looking to the Future: TVC Governance Alternatives

## *Alternative 1*

- **Current Governance with No Change:** Continued two-County governance as is with a Commission

## *Alternative 2*

- **Modified Commission:** Continued two-County Commission governance, with specific changes

## *Alternative 3*

- **Airport Authority:** Pursuant to Act No. 95 of MI Law (2015)

## *Alternative 4*

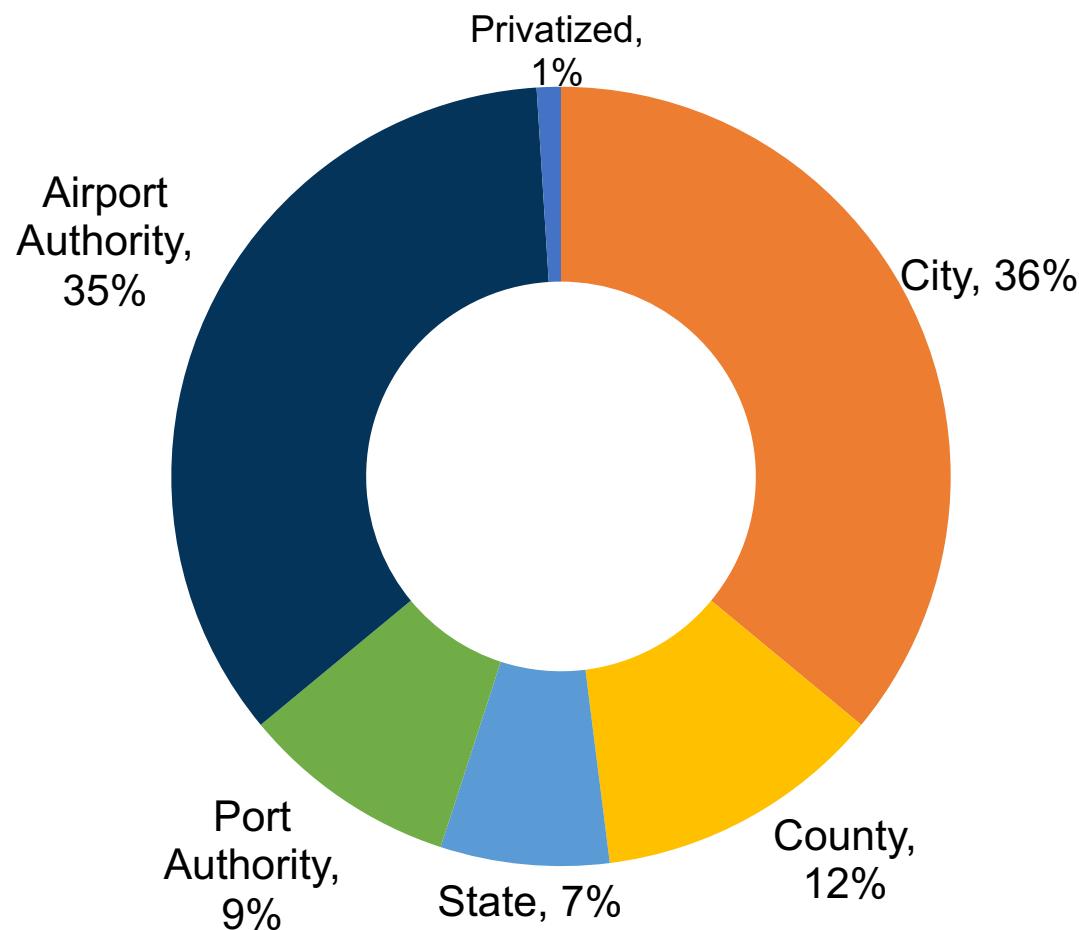
- **New Legislation:** Pass new legislation specific to TVC to form an Airport Authority different from conditions in Act No. 95

# Forms of Governance

Virtually all major commercial service airports in the U.S. are publically owned, and they are operated along distinct governance models:

| Ownership   | Administration   | Examples   |
|---|--|--|
| <b><i>PUBLIC: Government Entity</i></b>   |  |  |
| <ul style="list-style-type: none"><li>• City</li><li>• County</li><li>• State</li></ul>   | Operated as a governmental department/unit                                     | JNU, SGF, CID, BTV, RST<br>MFR, ASE, BFI, ILM, MTJ, OAJ<br>PVD, OGG, LIH, SCC, KTN |
| <b><i>PUBLIC: Authority or Regional Body</i></b>  |  |  |
| <ul style="list-style-type: none"><li>• Airport Authority (joint and otherwise)</li></ul> | Operated as an independent Authority reporting to an appointed governing Board | DTW, SYR, CAK, AVL, ROC, LAN, FNT, GRR, SRQ, LNK                                   |
| <ul style="list-style-type: none"><li>• Multi-modal Authority</li></ul>                   | A larger Authority which may include, port, road, and mass transit facilities  | OAK, SEA, JFK/EWR/LGA, BUF/IAG, BOS, PDX   |
| <b><i>PRIVATE: Privately Held</i></b>   |  |  |
| <ul style="list-style-type: none"><li>• Private sector management</li></ul>               | Contract management;<br>FAA Privatization Program                              | HPN, TEB, SJU (Luis Muñoz Marín – San Juan International), BBG (Branson, MO)       |

# Forms of Governance



# Top Michigan Airports and Their Governance Models

| AIRPORT  | CODE       | FAA 2017<br>ENPLANEMENTS | GOVERNANCE<br>MODEL            |
|--|------------|--------------------------|--------------------------------|
| Detroit Metro Wayne County International Airport (Detroit) | DTW        | 17,036,092               | Authority                      |
| Gerald R. Ford International Airport (Grand Rapids)        | GRR        | 1,412,132                | Authority                      |
| Bishop Int'l Airport (Flint)                               | FNT        | 393,549                  | Authority                      |
| <b>Cherry Capital Airport (Traverse City)</b>              | <b>TVC</b> | <b>235,137</b>           | <b>Commission (2 Counties)</b> |
| Capital Regional Int'l Airport (Lansing)                   | LAN        | 196,617                  | Authority                      |
| Kalamazoo/Battle Creek Int'l Airport                       | AZO        | 146,314                  | Commission (County)            |
| MBS Int'l Airport (Saginaw)                                | MBS        | 110,964                  | Commission (County/2 Cities)   |

# Next Steps

- Grand Traverse County to appoint a Committee to serve with the Airport Governance Advisory Committee
- Schedule first meeting of the Advisory Committee
- Hold structured Committee meetings to review the details of airport governance, review governance models, and discuss the impacts to the Cherry Capital Airport, Grand Traverse County, and Leelanau County

## Q&A

# Questions / Comments / Discussion



[Assistance Programs](#)[Cash Assistance](#)[Child Care Assistance](#)[Children's Special Health Care Services](#)[Emergency Relief: Home, Utilities & Burial](#)[Food Assistance](#)[Health Care Coverage](#)[Help from Other Programs](#)[Medicaid](#)[Migrant Services](#)[Refugee Assistance](#)[Universal Caseload Action Plan](#)[Women, Infants & Children](#)[MDHHS](#) / [ASSISTANCE PROGRAMS](#) / [UNIVERSAL CASELOAD ACTION PLAN](#)

## Universal Caseload (UCL) Action Plan

### Background

Universal caseload, or task-based processing, is a different way of handling public assistance cases. Rather than assigning each case to a caseworker whom clients must call, often leaving a message, UCL allows a pool of caseworkers to handle pooled cases. A Contact Center receives phone calls and sends them to a caseworker located in the same geographic area as the client. Many other states have moved to UCL, because it promises several benefits:

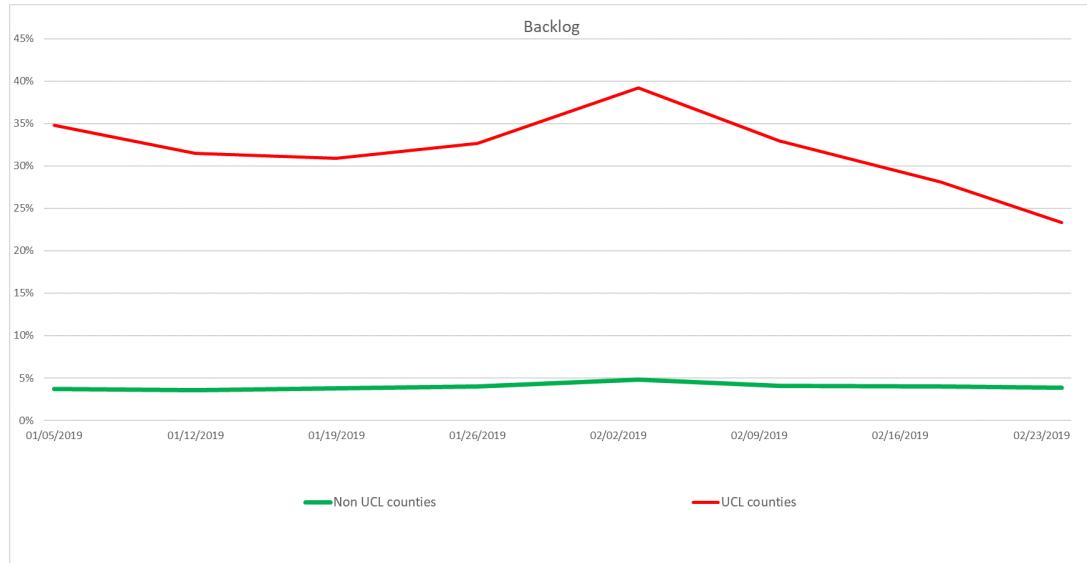
- Faster and more reliable service: Clients don't need to leave voicemails, which may be dropped if a caseworker is sick. The aim is to handle most calls in one interaction.
- Greater efficiency: When work is shared across counties, capacity can swing based on level of need.
- More visibility: The shared system allows supervisors to observe client experience and caseworker interactions more easily.

In Michigan universal caseload began with a pilot in February 2018 and rolled out to 50 counties by October of 2018. The 50 counties are now grouped into 10 areas, known as geo-groups, each of which serves individuals from the entire area. Customers can still visit those offices for assistance.

### Challenges

To date, the results of UCL's implementation have been unacceptable—to the new Director, Robert Gordon, and equally to the organization's senior management and its caseworkers. MDHHS is delivering benefits in UCL counties far less promptly than in non-UCL counties. For example, in non-UCL counties the application backlog is about 4%. In UCL counties the backlog is currently, on average 32%. Some UCL offices are currently carrying a backlog of applications as high as 48%. Behind those numbers are painful stories of individuals who are not getting the FAP or Medicaid or State Emergency Relief or the Child Development Care they need. Caseworkers who want to do right by their clients are distraught, rightly so.

While there is no sugarcoating these results, it is important to note there has been progress. Because of steps we have already put in place, the backlog has declined, on average, 6% over the last week.



## Response

Director Gordon has visited five county offices (two UCL and one non-UCL) and spoken by video with staff at a sixth. In these offices, he has met with managers, caseworkers, and clients. He has also talked with the Department's senior management, legislators, union representatives, and national experts on benefits delivery.

Based on that experience, Director Gordon notes the following:

- A shared service model has great potential to provide better service to Michiganders—no more waiting for return calls, faster service, better response to emergencies, and greater specialization among caseworkers.
- Our implementation of “universal caseload” has been unacceptable. Clients deserve better. Our caseworkers deserve better.
- Simply going backward should be a last resort. If a caseworker isn’t available, a customer deserves to get help. And while personalized service can be very powerful, in a world where most caseworkers had 700+ cases even before “universal caseload,” most people did not see much benefit from personalization.
- A good “shared services” model can allow caseworkers to provide personalized service to individuals who most need it, while also allowing for many individuals to get the benefits they want quickly and efficiently.
- We need to try to make UCL work. Thanks to the hard work of the DHHS team, we are making progress already. The backlog has declined by 6% over the last week.
- The leaders of DHHS will commit further resources and further expertise to this effort, as outlined below. Our caseworkers, in spite of their frustrations, will do all they can to make UCL work.

Director Gordon set the goal that by working with department leadership, we will do everything possible to be in a dramatically better place on backlogs within the next three months. MDHHS will track our progress weekly and will provide the tools to the public to also track our progress on backlogs in UCL counties compared to non-UCL counties.

### UCL Counties

The 50 counties that have UCL are: Alcona, Alger, Alpena, Antrim, Arenac, Baraga, Bay, Benzie, Cheboygan, Charlevoix, Chippewa, Clinton, Crawford, Delta, Dickinson, Eaton, Emmet, Gladwin, Gogebic, Genesee, Grand Traverse, Gratiot, Houghton, Iosco, Iron, Jackson, Kalkaska, Keweenaw, Luce, Mackinac, Manistee, Marquette, Mecosta, Menominee, Midland, Leelanau, Missaukee, Montmorency, Ogemaw, Ontonagon, Oscoda, Osceola, Otsego, Presque Isle, Roscommon, Sanilac, Schoolcraft, Shiawassee, St. Clair and Wexford.

### Connect



### Online Services

- Michigan Online Reporting System for Child Abuse and Neglect
- Report Welfare Fraud
- Report WIC Fraud
- MDHHS Policy Manuals
- Child Support
- MI Bridges: Apply for Assistance & Manage Your Account
- Submit a FOIA Request
- Birth, Death, Marriage, Divorce Certificates
- Create a Personal Health Plan
- E-license - Renew Health Professional License Online!
- Medicaid Provider Manual
- Verify Health Professional License
- Prescription Drug & Opioid Abuse Prevention

### Join The Conversation

Tweets by [@MichiganHHS](#)



Michigan HHS Dept

@MichiganHHS

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# NORTHERN MICHIGAN'S SAFETY NET IS BROKEN

As a brutal winter rages on, a new policy at the state agency that provides emergency food and heat assistance is causing serious problems.

By Patrick Sullivan

A change in how the Michigan Department of Health and Human Services processes applications for benefits like food stamps and emergency heating assistance was supposed to increase efficiency and ensure that clients get processed more quickly.

Instead, the new system, which was rolled out last year, to rural counties first, has caused processing times to lag, or come to a screeching halt.

The problems became evident just as winter approached. And they were of particular concern Up North, where the seasonal economy and high heating costs make the cold months the most difficult for people who are struggling to survive.

## NO OTHER OPTIONS

Levering resident Wesly Wilson said he had a great experience with DHHS a decade ago, when he first sought assistance, but when he needed help again last fall, the results were nightmarish.

"The first time I ever needed aid, I was 19, and I was homeless, and I was unemployed," he said. "I basically didn't have anything but a car."

He said he went into a DHHS office and received a Bridge Card — a kind of debit card the state's Food Assistance Program gives users to purchase food — and was able to use it to buy groceries that same day.

But last fall, when the Levering resident was laid off for the season from his job at Harbor Point Association in Harbor Springs, he and his young family — he was married with two children, ages 1 and 6 — needed help paying for food. He applied for a Bridge Card again, but said his application was repeatedly delayed through September and October. Every time he visited the office, he learned of another reason why he would have to wait longer.

"We had no other options. We were literally selling stuff, doing anything we could," he said.

He said the caseworkers in the DHHS office were just as frustrated and baffled as he was. He said he felt that, compared to his experience 11 years earlier, the system had been redesigned to deter people who need benefits.

"I need help more than ever, and I'm so discouraged by the system because I don't feel like I'm going to get any," he said.

State bureaucrats like DHHS social workers don't show up at the office hours of their state reps to complain about state policies, she said. It just doesn't happen. That it did happen, Martin said, meant something must be very, very wrong.

Wilson eventually got a job at McDonald's. Around the same time, he and his wife separated, in part because of financial problems. Amid the turmoil, Wilson said he forgot about his application, which was apparently never processed.

## THE STORY IS BLEAK

Changes at DHHS mean that across northern Michigan, the people who are most vulnerable are being failed by the system that's supposed to be their safety net, said Matthew Bush, a volunteer with the Char-Em United Way in Petoskey who helps connect low income folks with necessary services.

Bush started working with an 18-year-old homeless high school student last year, and when he discovered that she could qualify for Medicaid and food stamps, he helped her apply. Even though her hardship looked fairly clear-cut, Bush said her application was delayed and then rejected.

Bush said it looked to him like her case



was rejected not on its merits, but because of bureaucratic failings within DHHS. The young woman has a part-time job, he said, but the income from that job is not enough to disqualify her from receiving benefits. Instead, he said, the benefits were declined because a caseworker determined that the pay records submitted with her application were incomplete.

"The story is bleak," Bush said. "We've been trying to get her Medicaid and SNAP benefits, which is food stamps, since September."

recently named director, Robert Gordon, to review "universal caseload" so that changes can be made.

"He heard right away concerns about the system and directed the department to make immediate improvements," Wheaton said.

## FOOD STAMPS LOST IN RED TAPE

Here's a typical complaint about the problems at DHHS:

Lisa Hill works at the Petoskey Walmart. She lives in Cheboygan but doesn't work at that store, because the Petoskey location offers more hours. Unpredictable work schedules come with a Walmart job, she said, and the hours available ebb and flow with the size of the tourist population. In October, her hours were cut dramatically, because of the seasonal slowdown in shopping. She went from 40 hours per week to 18 or fewer.

Hill, a food-stamp recipient, said it's common for the Walmart employees she knows to supplement their income with food stamps; it's how they manage to get by on such low-paying jobs. (In January 2018, Walmart raised its entry wage to \$11 an hour. The retail giant says its average wage for full-time hourly workers is \$13.79 an hour.) Hill said she's become accustomed to the food-stamp eligibility re-evaluation process required twice a year. So, when the time came, she had all her paperwork filled out and turned it in online and in person at the Cheboygan DHHS office by her Nov. 15 deadline.

If anything, she figured, her food stamps would increase, since her hours had been cut back, and her rent had recently increased when she moved from Mackinaw City to Cheboygan.

But, instead of receiving a new book of food stamps, the single mother of an 11-year-old and a 12-year-old got a notice in December that her case was closed because she had failed to submit her application.

That came as a surprise to Hill.



Members of Cheboygan's Center for Change meeting State Sen. Wayne Schmidt and Rep. Lee Chatfield at the Petoskey District Library Jan. 26.

"I went to talk to somebody at the office, and they looked it up on the computer and said it was OK," Hill said.

That was on Dec. 7, and Hill was given her food stamps for the month.

Following Christmas, Hill said her hours, which were increased around the holiday, were cut to new lows, and by mid-January, she needed to apply for emergency heating assistance. That's when she learned why she hadn't received her food stamps for January or February — her case was closed, and the benefit was cut off because the DHHS office again insisted that she had not submitted her application.

Hill returned to the office, pointed out the error once again, and her food stamps were reinstated Jan. 25.

That kind of story is typical, said Owen Goslin, an activist in Cheboygan. Goslin said he's heard of case after case like Hill's — in which a person is eligible to receive benefits yet didn't receive them because of backlog and bureaucratic error.

"A lot of these people, they are turning to friends, so they aren't literally starving. I haven't heard of anyone literally without heat," Goslin said. "If you add it all up, I think it's impacting the community. ... You've got all of these low-income people relying on help from family who probably aren't much better off than they are."

#### UNMET EXPECTATIONS

Goslin had an academic career that took him around the country until 2016, when he moved back to Cheboygan to help out his ailing mother and pitch in at his father's Christmas tree farm.

He noticed immediately that the poverty level in Cheboygan is much higher than the college towns he was accustomed to living in. He also had concerns about Line 5, the oil pipeline that crosses the Mackinac Straits.

Goslin fell in with a group of Straits-area Democrats who had coalesced while working on candidate Joanne Galloway's challenge to Lee Chatfield (R-Levering) (one that came up short; Chatfield was re-elected in 2018 by a comfortable margin). They stuck together after the election and started a group called Center for Change to advocate for progressive causes in northern Michigan.

"We all felt a little frustrated with Democratic politics locally; it seems to come together every two years around an election, and then people go back home," Goslin said.

Goslin and some others in the group decided to visit Chatfield's office hours in Indian River in December to talk about Line 5, but when they got there, Chatfield was not in (Chatfield, amid the busy December

lame duck session, had sent an aide in his place). Nevertheless, as the group converged with others who had arrived to speak with Chatfield, another issue overshadowed immediate concerns about Line 5.

Three DHHS caseworkers had come to the meeting and said they wanted to talk about problems at their agency, problems sparked by changes enacted at the agency during Gov. Snyder's last year in office that, in recent months, had caused major chaos for people in northern Michigan who need assistance.

"They talked about these immense problems in really stark terms," Goslin said.

He was moved. He contacted Karen Martin, a fellow Center for Change member who used to work at the DHHS.

"When he told me that these women were there, I was stunned," Martin said. "That probably didn't raise any alarm bells to anyone else. It did to me."

State bureaucrats like DHHS social workers don't show up at the office hours of their state reps to complain about state policies, she said. It just doesn't happen. That it did happen, Martin said, meant something must be very, very wrong.

Martin said she called a person she knows who still works at DHHS to inquire how bad things really were. She said she was told the new system implemented at DHHS offices throughout northern Michigan was a disaster.

"It's looking to me like there may be a long-range plan to reduce DHHS staff even more and let computers do more," she said. "They're more like telemarketers now instead of caseworkers. They are taking the human part out of human services."

Martin knows about being a frustrated caseworker at DHHS. She started at the agency in 1996 after getting a later-in-life college degree. She liked the work at first, but in 2008, after budget cuts and staff cutbacks, Martin resigned in protest.

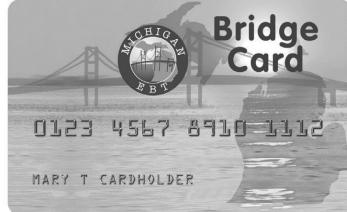
"I still got all my work done all the time, but I couldn't answer the phone anymore, and I felt really bad about it," she said. "That's what downsizing does. Something has to give, and for me it was phones."

#### LOOKING INTO IT

Goslin and Martin hope Gov. Whitmer and Gordan, the DHHS director Whitmer appointed, take notice and fix the problems.

They said they believe that the current system was set up to fail under Republican control because of conservatives' disdain for welfare programs.

Wheaton, the DHHS spokesman, said the system was not designed to fail; it was meant to be more efficient.



Meanwhile, Goslin and Martin have been busy lobbying state lawmakers. They said their state senator, Wayne Schmidt (R-Traverse City) has attended meetings and listened. And they finally tracked Chatfield down at an event in Petoskey in January and were able to express complaints about the system.

In a statement, Chatfield sent *Northern Express* in response to questions about DHHS, he said: "Starting in December, a few local residents began reaching out with concerns about DHHS's responsiveness. We have been meeting with those residents to collect their concerns and questions and making sure DHHS has all of that information so they can get to the bottom of it."

Chatfield continued: "I've been communicating with DHHS about the concerns. DHHS has informed us they are on top of it and will be working on each individual case where there has been an issue once they have more information on specifics. We are scheduling future meetings to check in on the department's progress and get answers for the people who have called in."

Chairperson for the DHHS labor management team for UAW Local 6000, Jim Walkowicz, said the problems at DHHS are bad, but he's hopeful they can be fixed.

"I do think their system is screwed up, and it's just not working, and it's affecting the clients as well as employees," Walkowicz said.

No one interviewed for this article was aware of an instance where someone lost heat or went without food because they couldn't get emergency assistance in time, but DHHS critics believe something like that could happen this winter unless something changes.

"Given the number of citizens we deal with, I think it's only a matter of time before it does happen," Walkowicz said.

He said that word of the problems with the new system has gotten back to Lansing, and he hopes something can be done about it.

"They did say they are looking into it now. The new director has said he is looking into it," Walkowicz said. "He's heard an earful about the universal caseload and what it means."

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## Action Request

|                    |   |  |           |
|--------------------|---|--|-----------|
| Meeting Date:      | March 6, 2019                                     |  |           |
| Department:        | Finance   | Submitted By:  | Dean Bott |
| Contact E-Mail:    | dbott@grandtraverse.org                           | Contact Telephone:   |           |
| Agenda Item Title: | Approval of Wheelock & Sons Welding, Inc. Invoice |  |           |
| Estimated Time:    | (in minutes)                                      | Laptop Presentation: <input type="radio"/> Yes <input checked="" type="radio"/> No |           |

**Summary of Request:**

To authorize payment of Wheelock & Sons Welding, Inc, invoice number 264 (attached) for work performed on behalf of our Sheriff's department for a breaching door training aid for police officers and SWAT teams. This was brought to the Board's attention at the 1/16/2019 meeting, and discussed, prior to the work being performed. This payment authorization requires Board approval.

**Suggested Motion:**

Approve invoice number 264, dated 1/18/2019, from Wheelock & Sons Welding, Inc., in the amount of \$359.09.

**Financial Information:**

|   |          |                    |  |                     |   |
|---|----------|--------------------|--|---------------------|---|
| Total Cost:   | \$359.09 | General Fund Cost: |  | Included in budget: | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| <u>If not included in budget, recommended funding source:</u> |          |                    |  |                     |   |

This section for Finance Director, Human Resources Director, Civil Counsel, and Administration USE ONLY:

|   |           |           |
|---|-----------|-----------|
| <b>Reviews:</b><br>Finance Director                         | Signature | Date      |
|   | Dean Bott | 2/27/2019 |
| Human Resources Director                                    |           |           |
| Civil Counsel   |           |           |
| <b>Administration:</b> <input type="checkbox"/> Recommended | Date:     |           |
| <u>Miscellaneous:</u>                                       |           |           |

**Attachments:**

Attachment Titles:  
Wheelock & Sons Welding, Inc. Invoice #264



9954 North Long Lake Road  
Traverse City, MI 49685  
Ph. (231) 947 - 6557  
Fx. (231) 947 - 5152

# Invoice

| Date      | Invoice # |
|-----------|-----------|
| 1/18/2019 | 264       |

**Bill To**

Grand Traverse County  
400 Boardman Ave  
Traverse City, MI 49684

| PO Number | Terms  | Rep   |
|-----------|--------|-------|
| Joe Berry | Net 30 | Sonny |

| Quantity | Description           | Rate    | Amount |
|----------|-----------------------|---------|--------|
| 40       | 3 x 2 x 3/16 Tubing   | 7.26    | 290.40 |
| 7        | 1/2 x 1/2 x 1/8 Angle | 1.05    | 7.35   |
| 4        | 2 x 2 x 1/8 Angle     | 1.32    | 5.28   |
| 5        | 3 x 4.1# Channel      | 3.57    | 17.85  |
| 4        | 1/8 x 2 HR Flat       | 0.82    | 3.28   |
| 4        | 1/4 x 2 HR Flat       | 1.86    | 7.44   |
| 0.66     | 3/8 x 8 HR Flat       | 7.89    | 5.21   |
| 1        | 1/2 HR Square         | 0.66    | 0.66   |
| 3        | A 36 1/4 Plate Steel  | 9.33    | 27.99  |
|          | Invoice Subtotal      |         | 365.46 |
|          | 25% Discount          | -25.00% | -91.37 |
| 1        | Saw & Shear Material  | 85.00   | 85.00  |

PLEASE PAY FROM THIS INVOICE. NO STATEMENT WILL BE SENT.

|                         |          |
|-------------------------|----------|
| <b>Subtotal</b>         | \$359.09 |
| <b>Sales Tax (0.0%)</b> | \$0.00   |
| <b>Total</b>            | \$359.09 |
| <b>Payments/Credits</b> | \$0.00   |
| <b>Balance Due</b>      | \$359.09 |

**R E S O L U T I O N**  
**XX-2019**  
**Approval of Wheelock & Sons Invoice**

WHEREAS, the Grand Traverse County Board of Commissioners met in regular session on March 6, 2019 and reviewed request to approve invoice number 264, dated 1-18-2019 from Wheelock and Sons Welding, Inc. in the amount of \$359.09; and,

WHEREAS, On January 16, 2019, Commissioner Wheelock disclosed a quote given to the Sheriff's office for work performed for a breaching door training aid for police officers and SWAT teams; and,

WHEREAS, the work has been completed and invoice received; and,

**NOW THEREFORE BE IT RESOLVED THAT THE** Grand Traverse County Board of Commissioners approve payment in the amount of \$359.09, to Wheelock and Sons Welding, Inc..

**BE IT FURTHER RESOLVED THAT,** the Board of Commissioners authorizes the Board Chair or County Administrator to effectuate the necessary documents to implement the Board authorized action.

APPROVED: March 6, 2019



## Action Request

|                    |  |                      |   |
|--------------------|--|----------------------|---|
| Meeting Date:      | 3/6/2019   |                      |   |
| Department:        | Finance  | Submitted By:        | Dean Bott   |
| Contact E-Mail:    | <a href="mailto:dbott@grandtraverse.org">dbott@grandtraverse.org</a> | Contact Telephone:   | (231) 922-4680  |
| Agenda Item Title: | CDBG Housing Loan Program Income Administration Agreement            |                      |   |
| Estimated Time:    | 10 -15 minutes<br>(in minutes)                                       | Laptop Presentation: | <input type="radio"/> Yes <input checked="" type="radio"/> No |

### Summary of Request:

The county has received Community Development Block Grant funds for the purpose of assisting homeowners with home rehabilitation and repairs based on State established procedures and guidelines. We currently have approximately \$1,624,000 in outstanding loans that have been made to homeowners using the grant funds received and program income relating to the grant funding. Program income is comprised of the principal and interest payments we receive on the home improvement loans that have been made with the grant funds. This program income can be used to assist additional homeowners with emergency repairs or we can return the program income received to the State. Rather than return the program income to the State we feel it would be better to retain these funds locally to assist our eligible county residents. There is a demonstrated need for these funds in Grand Traverse County. And since we do not have the staff to administer the program income internally we have determined that we could contract with the Northwest Michigan Community Action Agency to administer our CDBG program income as they are currently providing these services for several Northern Michigan counties, including Benzie, Emmet, and Wexford. The contract fee or compensation for these services will be covered by the 18% administration fee that is allowed for program income project costs. Representatives from the Northwest Michigan Community Action Agency will be at the meeting to answer related questions.

### Suggested Motion:

Discussion and approval of the attached resolution, agreement, and program guidelines.

### Financial Information:

|             |                    |                     |   |
|-------------|--------------------|---------------------|---|
| Total Cost: | General Fund Cost: | Included in budget: | <input type="radio"/> Yes <input checked="" type="radio"/> No |
|-------------|--------------------|---------------------|---|

If not included in budget, recommended funding source:

This section for Finance Director, Human Resources Director, Civil Counsel, and Administration USE ONLY:

| Reviews:                 | Signature | Date      |
|--------------------------|-----------|-----------|
| Finance Director         | Dean Bott | 28-Feb-19 |
| Human Resources Director |           |           |
| Civil Counsel            |           |           |

**Administration:**  Recommended Date:

Miscellaneous:

### Attachments:

Attachment Titles:

**Attachment A**

**FAIR HOUSING RESOLUTION**

WHEREAS, under the Federal Fair Housing Law, Title VIII of the Civil Rights Act of 1968, it is illegal to deny housing to any person because of race, color, religion, gender, physical or mental disabilities or national origin; and,

WHEREAS, under the Michigan Elliott-Larsen Civil Rights Act, PA 453 of 1976, as amended, it is illegal to deny the opportunity to obtain housing to any person because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status;

LET IT BE KNOWN TO ALL PERSONS that it is the policy of **Grand Traverse County** to implement programs to ensure equal opportunity in housing for all persons regardless of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status. Therefore, **Grand Traverse County** does hereby pass the following Resolution:

BE IT RESOLVED that in accordance with Executive Order 11063, **Grand Traverse County** shall not discriminate in the sale, rental, leasing, or financing of housing because of religion, race, color, gender, physical or mental disabilities, national origin, age, height, weight, familial status, or marital status;

**Grand Traverse County** will assist all persons who feel they have been discriminated against because of religion, race, color, gender, physical or mental disabilities, national origin, age, height, weight, familial status, or marital status to seek equity under federal and state laws by providing information to said persons on how to file a complaint with the Michigan Department of Civil Rights.

**Grand Traverse County** will at a minimum post this policy or the Fair Housing poster or other posters, flyers or other information which will bring to the attention of owners of real estate, developers and builders their respective responsibilities and rights under the Federal Fair Housing Law and Michigan Elliott Larsen Act.

This Resolution shall take effect as of the date listed below.

---

Grand Traverse County Board of Commissioners  
Robert Hentschel  
**Chairperson**

---

March 6, 2019

## **CDBG PROGRAM INCOME ADMINISTRATION AGREEMENT**

THIS PROGRAM INCOME ADMINISTRATION AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 2019, between GRAND TRAVERSE COUNTY, a Michigan municipal corporation, whose address is 400 Boardman Avenue, Traverse City, Michigan, MI 49684, (“COUNTY”) and Northwest Michigan Community Action Agency (“NMCAA”), a Michigan non-profit community action agency, whose address is 3963 Three Mile Road, Traverse City, MI 49686.

### **RECITALS**

1. The COUNTY has received Community Development Block Grants (“CDBG”) funds generated from recaptured CDBG loan payments also known as Program Income (“P.I.”) tracked by Program Year of July 1<sup>st</sup> to June 30th.
2. COUNTY has decided to invest its CDBG PI dollars, accumulated to date and to be received in the future, in order to provide homeowner emergency repairs to COUNTY residents in need of assistance, and in accordance with such terms and conditions that govern the use of CDBG Program Income funds pursuant to HUD and MEDC policies and procedures.
3. COUNTY determines that it is in the best interest of the COUNTY and its citizens to have the CDBG P.I. administered by a third party familiar with County-wide housing needs.
4. NMCAA is a Michigan non-profit corporation familiar with County-wide housing needs which desires to administer the CDBG P.I.
5. This Agreement is intended to memorialize the parties’ understanding regarding administration of the CDBG P.I.

### **AGREEMENT**

**A. DUTIES OF NMCAA** – NMCAA assumes the following duties and shall perform the following services for COUNTY:

- (1) Administration of the CDBG P.I. in accordance with:
  - a) All terms, conditions and regulations of the Housing and Urban Development (HUD).
  - b) All terms, conditions and requirements imposed upon the COUNTY that conforms to the Michigan Economic Development Corporation (MEDC) Policies and Procedures found on Form 8-F, which is attached hereto and incorporated by reference, and the Grant Administration Manual (GAM), which can be found at <https://www.miplace.org/resources/community-development-block-grant-program/grant-administration-manual-gam/> and is incorporated by reference.
- (2) Prepare Program Guidelines based on MEDC PI Policies and Procedures and the HUD CDBG Program rules found at 24 CFR 570.489 (e). Present to COUNTY for review and approval. NMCAA will be responsible to implement these Guidelines for fair and proficient distribution of CDBG PI funds and agrees to serve as COUNTY’s agent where the program guidelines specifically require Grand Traverse County or its agent to perform certain activities.

(3) Prepare and maintain fiscal controls and accounting procedures relative to the expenditure of all CDBG P.I. funds, as required by law and in accordance with this Agreement.

(3) Cooperate with and take all actions requested by the COUNTY, or any other authorized governmental entity, relative to the performance of an audit of the CDBG P.I. funds.

(4) Comply with all terms, conditions and requirements imposed upon the COUNTY as identified in Form 8-F and the GAM.

(5) Prepare and submit to the COUNTY, at an interval of monthly, or as needed, (in conjunction with or as part of the monthly financial statement, see paragraph F(3) below) a summary report identifying those cases projects which NMCAA has acted on during the period since the last report was submitted.

(6) Maintain office records and books in accordance with standard accounting practices.

(7) Hire and supervise employees and/or contracted staff as necessary to perform services in administering the CDBG P.I. as needed. It is understood that anyone hired shall be employees or contracted staff of NMCAA and not the COUNTY. NMCAA shall carry complete workers compensation, unemployment (MESC and FUTA) insurance, FICA and shall pay employer related employment taxes for said employees.

**B. DUTIES OF COUNTY** - COUNTY assumes the following duties and shall facilitate completion of the following essential duties as they relate to the utilization of recaptured CDBG funds (PI):

(1) Review and adopt the Program Guidelines that NMCAA has prepared for fair, proficient and regulatory expenditure of funds. These Guidelines also require approval by MEDC before PI funds can be expended.

(2) Assign and train specific COUNTY staff to handle management duties of the PI receivables, expenditures and reporting, and act as liaison to NMCAA. Provide clarification to NMCAA of who will be assigned these duties and responsibilities.

(3) Provide to NMCAA a financial accounting record of PI received and expended for each month and also a record by Program Year 7/1 to 6/30 in order to track receivables per HUD requirement. This is to be provided by the 10<sup>th</sup> day of the following month ending.

(4) Other administrative matters related to completed county CDBG projects, will be the responsibility of COUNTY. These may consist of, but are not limited to, subordination requests, loan pay-off requests, lien assumptions, mortgage payment structure revision, mortgage or tax foreclosure, or lapse of insurance.

**C. COMPENSATION** – In consideration for services rendered in its administration of the CDBG Program, NMCAA shall receive administration fees up to 18% for each project as approved by MEDC. This fee is strictly tied to the P.I. expenditure as it relates to the project hard costs and no further compensation outside of this agreement will be available to NMCAA for administering these PI funds.

**D. TERM OF AGREEMENT –**

(1) Term – This Agreement shall continue in force for the term of January 1, 2019 to June 30, 2019. This agreement will be automatically renewed annually in accordance with the MEDC Program Income Year of July 1 to June 30, unless otherwise terminated by either party, and as long as Program Income funds are available to be spent according to Form 8-F and the GAM.

(2) Termination With Notice – The parties acknowledge that either party may terminate this Agreement, at any time without cause, upon providing thirty (30) days written notice.

(3) Termination Without Notice – The parties acknowledge that this Agreement shall automatically terminate, without notice of any kind, and be of no force or effect, upon the happening of any of the following events:

(a) If NMCAA violates any term, condition or requirement of the CDBG P.I. Program, this Agreement, or applicable law.

(b) If a competent governmental entity with jurisdiction terminates the CDBG P.I. Program.

(c) If NMCAA is not approved by the State of Michigan as a third-party authorized to administer the CDBG P.I. funds.

(d) If CDBG Program Income funds are exhausted.

**E. OFFICERS AND EMPLOYEES –** All officers, employees or contracted staff of NMCAA are recognized as officers and employees of NMCAA, and not the COUNTY. It is understood and agreed by the parties that COUNTY shall have no obligation to compensate, in any manner, officers, employees or contracted staff of NMCAA or to otherwise provide benefits to the same. Instead, any salaries, wages, expenses or benefits of NMCAA's officers, employees or contracted staff shall remain the sole obligation of NMCAA.

**F. INSURANCE AND INDEMNIFICATION –**

(1) NMCAA shall carry comprehensive general liability insurance on an occurrence basis which shall insure NMCAA and COUNTY as insured parties, such insurance at all times to be in an amount of not less than One Million Dollars (\$1,000,000) for bodily injury per occurrence, and Two Hundred Fifty Thousand Dollars (\$250,000) for property damage per occurrence.

(2) NMCAA agrees to hold and save the COUNTY, its officers, employees and agents, free and harmless from any and all claims, demands, liabilities, loss, costs or expenses in connection with the performance by NMCAA of its obligations hereunder including, without limitation, all injuries to persons or property when NMCAA is carrying out or attempting to carry out its obligations hereunder or acting under the direction, express or implied, of the COUNTY, or by reason of NMCAA's failure or refusal to comply or abide by any rule, order, determination, ordinance or law of any federal, state or municipal authority.

(3) NMCAA agrees to hold and save the COUNTY, its officers, employees and agents, free and harmless from any and all claims, demands, liabilities, loss, costs or expenses arising out of an assertion by NMCAA's agents or employees that they are agents or employees of COUNTY.

**G. FINANCIAL ADMINISTRATION –**

(1) Depository – COUNTY shall receive, hold and maintain all CDBG P.I. funds to the extent, and in the manner, permitted by law. All CDBG P.I. funds shall be deposited in the Financial Institution of the COUNTY's choosing and shall remain under control of the COUNTY except as expressly provided for in this Agreement.

(2) Release of Funds – NMCAA will submit an Invoice monthly or on an as needed basis, requesting payment for costs incurred, or to be incurred toward project completion. The NMCAA Invoice will be accompanied by copies of all supporting documents related to project costs and the associated administration fees. The report will state either the amount to be reimbursed or the cash needs for the next 45 days to sustain CDBG P.I. activity. The COUNTY will review the request and remit payment to NMCAA within 15 days from the date that the request was received.

(3) Expenditures – NMCAA Housing Rehabilitation Staff will prepare vouchers for payment of CDBG P.I. expenditures, and submit to the NMCAA Accounting Office. All vouchers will be subject to NMCAA supervisory approval before payment and will be maintained in NMCAA files for audit and review purposes.

NMCAA will prepare and submit monthly, or as needed, a financial statement to the COUNTY, called the CDBG Program Income Expenditure Summary. The statement will reflect current monthly activity as well as cumulative CDBG P.I. activity, hard cost and administrative expenditures, along with matched dollars if applicable, for all accounts associated with the CDBG P.I.

(4) Records – NMCAA shall maintain and retain all financial records and project file records in accordance with the terms, conditions and requirements of the CDBG P.I. Policies and Procedures, Form F-8, the GAM, and applicable law. Upon completion of the contract term, NMCAA shall turn over all Grand Traverse County CDBG P.I. financial and project file records to the COUNTY. The COUNTY will retain all records for the life of the lien and three years after the loan has been satisfied.

(5) No COUNTY Obligation – The parties acknowledge and agree that the COUNTY shall not be required to expend any of its funds, except for the CDBG P.I. funds identified herein, as a result of any provision contained in this Agreement.

**H. MISCELLANEOUS PROVISIONS –**

(1) Notice - All notices permitted or required hereunder shall be in writing and either mailed or personally delivered to the addresses stated above. If by mail, notice shall be deposited in the United States mail, postage prepaid, registered or certified mail, return receipt requested, and addressed to the party to whom notice is directed. If by personal delivery, notice shall be personally delivered to the party to whom notice is directed.

(2) Severability – The invalidity or unenforceability of any provision of this Agreement shall not affect the enforceability or validity of remaining provisions and this Agreement shall be construed in all respects as if any invalid or unenforceable provision were omitted.

(3) Waiver – No term, condition, covenant or provision contained in this Agreement may be waived except in a writing signed by the waiving party. No oral statements, course of conduct or course of dealing shall be deemed a waiver. No waiver by any party hereto of any violation or breach of this Agreement shall be deemed or construed to constitute a waiver of any other violation or breach, or as a continuing waiver of any violation or breach.

(4) Applicable Law – This Agreement shall be interpreted, construed and governed according to the laws of the United States of America and State of Michigan.

(5) Captions – The captions or headings to the various paragraphs contained in this Agreement are for convenience only and shall to no extent affect the meaning, scope or interpretation hereof.

(6) Counterparts – This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which shall constitute one instrument.

(7) Merger and Modification – This constitutes the entire Agreement between the parties with respect to the subject matter hereof and any prior discussions or negotiations.

(8) Assignment – This Agreement may not be assigned, in whole or in part.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

GRAND TRAVERSE COUNTY,  
A Michigan municipal corporation

By: \_\_\_\_\_ Date: \_\_\_\_\_, 2019  
Signature, Chairman

\_\_\_\_\_  
Title

NORTHWEST MICHIGAN COMMUNITY ACTION AGENCY,  
A Michigan non-profit community action agency

By: \_\_\_\_\_ Date: \_\_\_\_\_, 2019  
Signature, Executive Director

\_\_\_\_\_  
Title

**2019 Grand Traverse COUNTY CDBG Program Income  
Program Guidelines  
Revised: 3-1-19**

**Mission Statement**

This Program is intended to provide assistance to very low to moderate income households who reside within Grand Traverse County in order to improve their standard of living. The Program promotes safe, decent and sanitary housing for county residents and helps to maintain and improve the housing stock within the county. The homes shall be owner occupied, single family residential units. Total household incomes must not exceed 80% of Area Median Income (AMI) per HUD's guidelines for Grand Traverse County. Funding for the above activities is being provided from recaptured Community Development Block Grants (CDBG) referred to as Program Income (PI) and allocated to Northwest Michigan Community Action Agency (NMCAA) to administer for housing repair.

**General Guidelines and Provisions**

These guidelines set forth general procedures, although the Grand Traverse County Finance Department staff, acting in an advisory position, may modify the requirements in individual cases based upon specific circumstances. They may also recommend changes to the parameters in this document as recommended by the Grand Traverse County Board of Commissioners.

Each improvement/repair must conform to HUD Housing Quality Standards (HQS) and applicable local zoning and ordinances and State code requirements when a permit is required. Households must have an ownership interest by deed, land contract, Life Estate or be subject to a mortgage. They must have occupied the home for at least one full year and must continue to occupy and maintain the property as their permanent residence for the length of their Mortgage and Note term, as applicable. If the total CDBG PI assistance does not exceed \$2,500, funds are provided as a grant and no lien is required. CDBG PI funding assistance that exceeds \$2,500 will be given as a 0% interest loan with Grand Traverse County as the mortgagee. The loan is deferred (no monthly payment) until there is a change of ownership by sale, transfer, conveyance or if the owner no longer occupies the home as their principle residence. At such time the loan would be due and payable within 30 days following the transfer of ownership. The lien and repayment terms are explained in further detail on Page 8.

All assisted units must receive at least \$1,000 of funding assistance. Matching funds are used in many instances in order to cover the cost of the improvement and are sought out on a case-by-case basis. These leveraging resources must be identified when PI funds are committed and prior to the start of the project. If the homeowner is providing matching funds, these will be in the form of a money order / certified check or placed in escrow prior to contract signing.

**Emergency Rehabilitation**

This program is intended to provide funds to alleviate emergency repair situations for eligible applicants of single family owner occupied residential dwellings. An emergency situation is defined as a condition of the property that presents an immediate threat to the health and safety of the occupants. This may include such things as a faulty furnace or boiler, defective wiring, leaking roof, inoperable septic system, well replacement, structural deficiencies, inaccessibility to the home, etc. These emergency repairs must meet HQS upon completion but not the entire dwelling.

**Equal Opportunity**

Fair Housing Efforts:

Grand Traverse County has a total population of 91,807 persons (U.S. Census Bureau 2017). The majority of the population is Caucasian at 95.3%. Native Americans make up 1.3%, 0.7% are Asian, 0.7% are African American, and 2.9% are Hispanic. Rather than reducing the need for fair housing, these smaller numbers increase the need to ensure that adequate housing is available to those individuals in minority populations.

Grand Traverse County has implemented all fair housing requirements effective \_\_\_\_\_ which include:

- Designation of the Grand Traverse County \_\_\_\_\_ as the Fair Housing Officer. This Designee will be responsible for accepting housing discrimination complaints, keeping record of them, and directing complainants to the Civil Rights Commission, HUD or other appropriate referral. They will also be responsible for notifying the Michigan Economic Development Corporation CDBG Program Specialist when a complaint is received;
- Implementation of a Fair Housing Log in which to track all Fair Housing activity and log complaints;
- Distribution of fair housing information and materials to consumers and local agencies concerned with housing issues by its Agent;
- Copies of "Fair Housing It's Your Right" are kept on hand and available upon inquiry.
- All clients, applicants, and contractors are likewise informed and given literature on the Fair Housing Requirements of the CDBG Program by its Agent;
- All advertisements and marketing materials will also include information concerning Fair Housing and will carry the Fair Housing logo.

In addition, the following activities will be utilized to further fair housing and affirmative action in Grand Traverse County:

- The implementation of this program, which will assist low and very low-income homeowners unable to obtain conventional loans for home repairs;
- Counseling services provided by its Agent to all applicants of the housing program in order to ensure that they are directed to the program best suited to their needs;
- Availability to the public, program participants and all interested persons of information regarding the protections against discrimination provided by Title VI of the Civil Rights Act and the Michigan Civil Rights Act (PA 453 of 1976);
- Publication of the program on a county wide basis that will allow equal opportunity for all residents; (The program will not discriminate based on race, color, sex, religion, sexual orientation, national origin, marital status, handicap or political affiliation)
- Approval of an equal opportunity/fair housing resolution in \_\_\_\_\_ by the County;
- Affirmative Marketing efforts by its Agent will include: one page flyer in laymen's terms to be distributed throughout the County, posters in libraries, stores, service agencies, mailings to churches, announcements and advertisements in free newspapers and radio, among other efforts. Approximately \$300 of CDBG PI administration dollars will be used to implement the County's marketing plan, elements of which address fair housing.

Minority or female owned businesses:

Research indicates a very small number exist within Grand Traverse County. Under the CDBG Program, Grand Traverse County or its Agent will continue to recruit female and minority owned businesses. This recruitment program will specifically identify the willingness to give bid opportunities through advertisements to said minority and female owned businesses.

The following steps will be taken to promote participation of such businesses throughout the program:

- The local building department and Home Builders Association will be contacted to maintain updated information on new contractors in the area;
- Advertisements will be placed in local newspapers to make local contractors aware of funding. These ads will contain an equal opportunity logo and will encourage minority and female contractors to apply;
- Projects will be awarded to licensed contractors, home maintenance and repair, electrical, mechanical and plumbing contractors. This participation from diverse individual businesses has the potential to generate minority and female owned business participation.

### Section 3 Certified Businesses:

Research indicates a very small number exist within Grand Traverse County. To ensure that economic opportunities generated by CDBG project funds shall be directed to Section 3 Businesses, which are certified to be low income residents and businesses, Grand Traverse County or its Agent will, to the greatest extent feasible, give preference to those businesses that hire local, low income sub-contractors and workers if and when they hire new workers for CDBG projects.

The following steps will be taken to promote Section 3 Certified Businesses to participate in the program:

- Grand Traverse County or its Agent will encourage contractors working for this program to advertise job openings with Michigan Works, the local community college and at local public housing;
- A contractor's or sub-contractor's business may also become Section 3 certified if it is at least 51% owned by Section 3 residents (low income local resident or a resident of local public housing)

Contractors will be informed about Section 3 requirements at pre-construction conferences and encouraged to hire Section 3 qualified workers if they will be hiring anyone new for the project. Bid notices soliciting CDBG contractors in the newspapers will include an invitation to Section 3 businesses to apply, in addition to minority or female owned businesses. Grand Traverse County or its Agent will establish certification procedures and maintain a list of Section 3 businesses. Grand Traverse County or its Agent will document actions taken to comply with the requirements of Section 3. The Section 3 clause will be added to all CDBG contracts.

### Discrimination Complaints:

The Agent's Fair Housing Officer and/or the Grand Traverse County Fair Housing Officer will investigate all discrimination complaints by either contractors or applicants. Written complaint procedures will be given to all contractors and clients when they are selected to participate in the CDBG program. Also, fair housing issues brought forward will be referred to the Grand Traverse County Fair Housing Officer and assisted according to fair housing guidelines (see Fair Housing Resolution). In addition, a formal appeals procedure is in effect for any Applicants wishing to appeal a denial of assistance. A written denial letter that describes the appeals procedure will be sent to every denied applicant. If an applicant decides to appeal, the written appeals procedure will provide guidance in that process.

### **Applicant Criteria**

Applications will be accepted as funding sources become available. Once resources are allocated, the Program Administrator may limit the type and scope of applications accepted based upon the resources available. Eligibility determination and funding awards will be made from the information presented in the application package. Applicants must complete all required forms and return them along with proof of income and assets, valid deed to the property, proof of insurance and paid property taxes. Re-verification



Equal Housing Opportunity



of income may be necessary if the project is delayed due to lack of funding or other required project components.

Applications will be processed on a first come, first served basis and in accordance with policies set by MEDC. However, when a project presents an immediate threat to the health and well-being of the occupants, priority will be given to these applicants over previous applications.

Criteria for applying:

- a. Applicants must be an individual or family resident of Grand Traverse County who has ownership and occupies the single family, residential dwelling, as a primary residence. The property may be under a mortgage, land sales contract or a life lease. The land sales contract or mortgage must be current and recorded.
- b. Applicants must fully disclose all income sources and meet income requirements combining gross income of all household members who share the dwelling, as defined by HUD and Michigan Economic Development Corporation policy, excluding the income of those persons under the age of 18 or dependent full time students over \$480/yr. (This does not exclude social security, disability or supplemental social security.) Income must not exceed 80% of area median income as determined annually by HUD.
- c. Applicant must have occupied the premises for one (1) year prior to making application. Applicant must reside primarily in the premises for the period of the loan. Proof of home ownership must be provided i.e. a recorded warranty deed or title search back to last warranty deed.
- d. Applicant's total liquid assets must not exceed \$10,000.00. Total of all assets must not exceed \$50,000.00 (excluding the value of the dwelling and essential means of transportation). Liquid assets do not include any retirement or other account that has a penalty for withdrawal.
- e. Applicant and all other joint owners of the property must agree to sign a mortgage and allow a lien to be placed on the property for the total amount of the loan, including all related costs of the loan. In the case of a land contract, the land contract holder must also sign all appropriate mortgage documents.
- f. Reverse mortgages will not be allowed.
- g. Applicant will be required to show proof of current loss payable insurance listing Grand Traverse County on the property and maintain said insurance for the duration of the terms of the loan.
- h. Applicant will be required to show proof of current property tax payments and will be required to keep property taxes current (showing proof annually) for the duration of the loan.
- i. Grand Traverse County will follow the guidelines set out in MEDC's Policy regarding Conflict of Interest. Any applicants related to Grand Traverse County employees, Grand Traverse County Board of Commissioners, Third Party Administrator, Consultants, or staff members must disclose their relationship on the application. Related board members or staff shall not participate in decisions regarding related applicants.
- j. Applicants may re-apply for another CDBG loan anytime that an emergency repair is needed.

**k. APPEALS PROCEDURE - DENIAL OF ASSISTANCE**

1. Everyone who is denied benefits must receive written notice of the denial and the reason for the determination.

2. The applicant may appeal the denial either orally or in writing to the Housing Program staff within 14 days of receipt of the denial.
3. In the event that the applicant is not satisfied with the decision of the Housing Program staff, he/she may appeal to:

Grand Traverse County Finance Department  
c/o Grand Traverse County Finance Director  
400 Boardman Avenue  
Traverse City, Michigan 49684

**Eligible Properties:**

All units receiving CDBG assistance will have been owner occupied a minimum of one year and must be residential properties located within Grand Traverse County boundaries. Eligible properties consist of single family homes constructed on site or pre-manufactured. Mobile homes must be permanently affixed to the property with tongue removed and manufactured after June 1976. The home must be considered suitable for year-round occupancy with designated areas for sleeping, food preparation/storage and bathroom facilities.

To finance the cost of the repair, the homeowner may not mortgage more than 100% of the true market value of the property after improvement. In order to determine the true market value of the home after improvement the administrator will consider current State Equalized Value times two (standard industry measure), any existing professional property appraisal, consultation with area realtors regarding surrounding properties and future value, and any other information available to gain a confident projection of after rehabilitation value.

In the event that during the time of the home visit a dwelling is considered to be too "cluttered" to complete the inspection or to allow contractors to complete the project, a deadline will be imposed upon the client to empty the house enough to allow access to the areas in need of repair. Contractors must be able to safely work on the home. If the homeowner does not adhere to the deadline, the project will be denied and Third Party Administrator will move to the next person on the waiting list.

Accommodations will be made, as is feasible, to expedite this process when the occupants are living in conditions that present a risk. Applicants will be encouraged to solicit their own bids from licensed and insured contractors for the needed repair. This will help to move the process along and also to determine a cost estimate.

**Step I.** A successful applicant will have submitted an application complete with all required documentation. They will be determined income eligible and meet all other required eligibility criteria stated above.

**Step 2.** After the applicant household is determined eligible, the home will be inspected. Dwellings will be eligible if it is determined that the emergency health and safety concern(s) can be corrected using the funds available in the CDBG program. Matching funds can also be used to complete the project and correct the deficiencies. In cases where the initial inspection reveals that the home cannot be reasonably repaired or the cost of rehabilitation would exceed the anticipated post rehabilitation value of the property, replacement of the housing unit should be explored through other funding sources.

**Step 3.** Once it is determined that the house can be repaired with the funds that are available, the project will receive final approval from NMCAA's Housing Program Coordinator and the project will move forward.

**Project Level of Improvement**



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The Program emphasis is to correct deficiencies with the home in order to provide safe, sanitary, and decent living conditions to the population in greatest need. All repairs requiring permits will meet all applicable local codes and ordinances and shall comply with all applicable State and Federal Codes and Laws. The permit fees will be included in project costs. Homeowner labor will not be allowed for any portion of a project which is funded with CDBG.

All materials, equipment and fixtures used will be new, moderately priced and of durable quality. Materials and fixtures are typically 'available stock' items and no special order or designer features are allowed unless a unique structural condition warrants a special order. The necessity of any special orders will be determined by the administrator/inspector and this determination must be completed before any purchase or special order is made. In certain instances, the client may be allowed to choose an item above the allowed cost if they can pay out of pocket for the difference.

A concerted effort must be made to use materials that reduce the environmental impact of these construction/rehab projects. Materials removed from the job site must be disposed of properly and/or recycled whenever possible. Green measures with the use of the following are highly encouraged:

- Low-VOC caulk, sealants, stains, paints & primers
- Low flow showerheads and faucets
- Energy Star appliances and electrical fixtures
- CFL or LED replacement lighting
- High Efficiency furnace, boiler, water heater replacements
- Low E thermopane windows

Eligible Improvements may include, but are not limited to repair or replacement of defective furnaces and boilers, unsafe electrical components, leaking roofs, inadequate septic systems, well replacements, and other related costs necessary to bring the structure to minimum code. It shall include the provision of sanitation facilities, or the extension or finishing of space necessary to accommodate such facilities. Improvements may also include the construction of porches, ramps or accommodations to allow safe and necessary access to the home and living areas.

#### Unallowable Costs:

- a. New construction
- b. Expansion of structure, if not required by housing code
- c. Appliances such as air conditioners, water softeners, and garbage disposals
- d. Furnishings such as furniture and window coverings

#### Energy Efficiency:

For dwellings receiving assistance, energy conservation measures are encouraged and may include: 95% efficiency furnace/boiler replacements, water heaters, thermal window replacement, insulated doors and infiltration measures such as caulking and weather stripping as required by the appropriate rehabilitation standard. These measures will be coordinated with Northwest Michigan Community Action Agency's Weatherization Program whenever possible.

#### Handicap Accessibility:

Home improvements, modifications, and repairs, will to the greatest extent possible, take into consideration changes that will improve the accessibility, adaptability, and/or universal design of a home in anticipation of future needs of the homeowners. When current handicap accessibility is necessary, major structural improvements can be undertaken such as widening doorways, installing wheelchair



ramps, installing walk-in showers, etc. The inhabitants must be able to use their homes for the primary functions of daily living including; cooking, eating, dressing, personal hygiene, sleeping, personal recreation and socializing with friends and family. An attempt will be made to thoughtfully consider design-build remodels that will account for existing and future needs of homeowners as they “age in place.”

Projects will be exempt from the HUD Lead-Based Paint Requirements due to their emergent nature, however all homeowners will be provided with the Renovate Right pamphlet published by the EPA in order to raise awareness and educate the public about these risks.

## **Contractor Requirements**

Contractor Eligibility:

Eligible contractors shall be licensed by the State of Michigan. In addition, the contractor must provide evidence of Comprehensive Public Liability Insurance protecting the homeowner from bodily injury and property damage, and must furnish evidence of Worker's Compensation Insurance, or provide a signed Sole Proprietorship Affidavit. Finally, the contractor must fill out an application to participate which includes three past performance references and three supplier references. CDBG Program Administrator will review all of their documents including contacting references and will use due diligence in trying to ensure that all contractors added to our contractor list are both reputable and in good financial standing. Please note that although we primarily advertise and solicit locally for new contractors, we will accept applications from any contractor licensed throughout the State of Michigan. The Contractor will provide a Federal W-9 form and DUNS # for verification of non-debarment.

Contractor Selection Process:

The CDBG Program Administrator will maintain a master list of all licensed general contractors doing business within Grand Traverse County. Each year, in addition to a newspaper posting, the Administrator will send a solicitation letter to the Home Builders Association for all of the contractors who are members of the Home Builders Association. The letter will explain the program, potential projects and invite them to participate. A contractor application will be included with the mailing so that any interested contractors may apply. All contractors will also be asked to furnish proof of current Michigan Builders license and necessary insurances. Also, at any point throughout the year, any licensed Michigan contractor who learns of the program may inquire with our office and request an application. The CDBG Program Administrator will follow the same procedure of review for all contractors applications received. After a contractor's application, references and other documents have been reviewed with positive results, they will be added to our list of approved contractors.

The CDBG Program Administrator will rotate through this established contractor list when sending out bid packets for CDBG projects involving more than one trade. Two bids are preferred for each job for comparison purposes. The contractor with the lowest responsible bid, unless excluded for any of the following reasons, wins the bid and will be contracted for the project. Reasons the low bid may be excluded include: the homeowner chooses another contractor and agrees to pay the difference, the CDBG construction coordinator finds the bid is grossly lower than all others and has no confidence in the bid, materials proposed do not meet specifications and/or the bid is not complete. In some instances, the homeowner has already solicited bids. These will be reviewed by the Program Coordinator and may be found acceptable if they are comprehensive and the contractor is found to be eligible to participate.

There are several situations in which a contractor may be removed from the CDBG contractor list. Each bid packet will contain a cover letter that asks the contractor to indicate if they will bid on the project and



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if not, would they be available to bid in the near future. If they check the box on the cover letter indicating they do not want to bid on future projects, they will be removed from the list immediately. Contractors that do not bid three consecutive requests for bid may also potentially be removed from the list at the discretion of the CDBG Program Administrator.

It may also be necessary to remove a contractor from the program because of work performance or various conflicts with them. The procedure for this type of situation will be as follows: if the administrator receives two or more complaints about a contractor's performance, or if the inspector fails the contractor's work two or more times, (or any combination of the above) the administrator will bring the contractor up for review. At that time an investigation will be done and facts will be gathered. These findings and a recommendation for removal (if appropriate) will be presented to the Finance Department. The Finance Department will make the final decision whether to remove the contractor. If they agree that the contractor should be removed, the administrator has ten business days to notify the contractor in writing. If the contractor wishes to dispute the removal he/she has ten days from the date of notification to request a hearing in front of the Finance Director. This request can be done by mail, or fax to the administrator. The Director has twenty business days to schedule a hearing. If the outcome of the hearing does not satisfy the contractor, then he/she may follow the conflict Resolution and Mediation procedures as outlined in that policy.

A contractor may be reinstated to work with the program one year from the date of removal if he/she satisfies the following: provides the administrator with at least three good references from customers with whom he/she had contracted since the removal from the program; agrees to a review by the Finance Director; and agrees to a probationary period to end after the completion of his/her first project. If all prove to be satisfactory, the contractor will be reinstated.

Conflict Resolution and Mediation:

Grand Traverse County will follow the guidelines set in the Conflict Resolution and Mediation Policy when addressing any complaint situations. Written complaint procedures will be given to all contractors and clients when they are selected to participate in the CDBG program. Conflict Resolution Services in Traverse City will be utilized for mediation services.

## **Financing Mechanisms**

Program Income (PI) is generated from principal and interest on loans made from CDBG funds granted to Grand Traverse County. These Program funds are recaptured from monthly mortgage payments or from proceeds from the sale of property that was improved in whole or in part with CDBG funds. Interest accrued from these funds deposited in an interest bearing account will also be treated as PI. These will be spent throughout the program term as outlined in Michigan Economic Development Corporation (MEDC) CDBG Housing Program Income Policy (Form 8-F).

Funds must be collected and not spent between the period of July 1 to June 30 (MEDC's fiscal year) of the year they were received. An accounting of all PI received will be provided to MEDC on the Program Year Certification Form (8-H) after June 30<sup>th</sup> and by July 31st. If the amount received is under \$35,000.00 during this time period, it is no longer federal money and the County may choose to spend it on other activities not related to Emergency Repair or Home Rehabilitation. If PI received during the period is over \$35,000.00, it is considered federally restricted and is subject to federal compliance requirements. The County can choose to spend it on CDBG related activities and can begin spending it after July 1<sup>st</sup> (of the following fiscal year) and by June 30<sup>th</sup> to a \$0 balance. Any funds not spent must be returned to the State of Michigan.



If program income funds identified as federal money are not spent out by June 30 of the year following the year they were received, then they will be returned to MEDC for recirculation to other CDBG programs.

Grand Traverse County will implement the following lien structure with the use of CDBG Program Income:

- All loans will be interest free through the life of the loan.
- The Mortgage and Note will be between homeowner and Grand Traverse County.
- All loans will be deferred with no payment required in order to assist homeowners who do not have the fiscal ability to make monthly payments.
- If the homeowner no longer occupies the home as his/her principal residence, the loan is due and payable within 45 days, unless a good faith effort to sell the property is demonstrated to the satisfaction of the Finance Director.
- The entire loan will be due and payable within 30 days of title transfer unless an extension is granted by the Finance Director.

Please see chart below for current program income guidelines. Note: Grand Traverse County CDBG Income Guidelines will be adjusted when new HUD Section 8 income limits become effective. Please also see "Lien Requirements" below.

| 2018 INCOME GUIDELINES | HOUSEHOLD NUMBER |          |          |          |          |          |          |          |
|------------------------|------------------|----------|----------|----------|----------|----------|----------|----------|
| GRAND TRAVERSE COUNTY  | 1                | 2        | 3        | 4        | 5        | 6        | 7        | 8        |
| 70% AMI                | \$35,980         | \$41,160 | \$46,270 | \$51,380 | \$55,510 | \$59,640 | \$63,770 | \$67,830 |
| 80% AMI                | \$41,400         | \$47,000 | \$52,850 | \$58,700 | \$63,400 | \$68,100 | \$72,800 | \$77,500 |
| 100% AMI               | \$51,400         | \$58,800 | \$66,100 | \$73,400 | \$79,300 | \$85,200 | \$91,100 | \$96,900 |

Lien Requirements:

- a) If the total amount of CDBG assistance for a project does not exceed \$2,500, no lien is required on the property. Assistance of this type is considered granted to the homeowner, regardless of income (as long as they meet eligibility).
- b) In rare instances, when a project does trigger the requirements of implementation of the HUD Lead-Based Paint Regulations @ 24 CFR Part 35 for OCD CDBG Recipients, and funds are spent to remediate lead hazards, then up to \$5,000.00 of these associated costs to meet these requirements will not be liened against the property.
- c) Liens are required on all projects exceeding \$2,500.00 or more. All legal owners of the property must sign the mortgage, only the borrowers residing in the home will sign the mortgage note.

For land contracts, an enforceable lien requires the signatures of both the CDBG applicant and all holders of the land contract in the chain of title. Only the borrowers will sign the mortgage note. An alternative to the land contract sellers signing the lien agreement would be for them to sign a Land Contract Subordination Agreement. This document will be recorded.

For life estates, the person granting the life estate must sign the lien, and the remainder (the person(s) who would receive the property upon the death of the occupant) must also sign the lien. All liens remain with the property until they are paid in full.

- d) All loans will be secured by a mortgage and promissory note executed by all legal owners of the property. All liens will be filed with Grand Traverse County Register of Deeds.



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Should ownership occupancy change during the term of the mortgage, the balance owing becomes due and payable within 45 days after transfer of title. Homeowners will be required to demonstrate a good faith effort to sell the property if payment is not made within 45 days. If no good faith effort is demonstrated, Grand Traverse County will pursue its right to foreclose and recapture the amount owing from the proceeds of the sale of the property.

If at the time that a loan becomes payable (death of borrower(s), sale or transfer of property), and the owner's equity in the house is not sufficient to repay all existing mortgages, liens, and the CDBG loan, the Grand Traverse County Finance Department may choose to forgive the remaining portion of the CDBG loan so as not to place undue burden on the heirs of the estate, or in some circumstances, the borrower. This would be initiated by a formal request in writing from the borrower, or the heirs of the borrower. Grand Traverse County would conduct an evaluation of the case, and would determine to what extent the deferred loan might be forgiven.

- e) Grand Traverse County will determine if liens can be assumed by income-eligible heirs who will occupy the residence as their year round residence with review, approval of the Finance Director.
- f) Subordination Policy. Subordination for better rate and term will usually be allowed with proper income and asset verification. Subordination of a lien where new debt is being incurred may be allowed by Grand Traverse County only if the following criteria are met:
  - i. The new debt must be for home improvements, emergency medical, transportation needs, or education. The following criteria ii. through vii. below must also be met.
  - ii. Each subordination request and accompanying documentation must be reviewed and approved on a case by case basis by the Grand Traverse County Finance Director.
  - iii. The total amount of all liens against the property (including the lien resulting from the Grand Traverse County CDBG funding) cannot exceed 80% of the value of the property based on a current appraisal, except for rate and term only re-financing, which may be loaned out to 100% LTV.
  - iv. The household must have current income below 80% AMI and provide documentation of such.
  - v. A minimum of one year must have expired since the CDBG loan was received (completion of project).
  - vi. The interest rate for the new loan and associated loan costs must be competitive with the lowest rates and costs available in the lending industry. A worksheet evaluating current loan rates and costs must be part of the approval process.
  - vii. The proceeds of the loan to which Grand Traverse County is subordinating must be disbursed by the lender for the stated purposes of the loan. Copies of the disbursement checks must be kept in the project file.
  - viii. Loan Assumption. An heir or immediate family member may make application to the Program for continuance of the loan. If the administrator determines that the applicant meets the program eligibility requirements in effect at the time of request, the applicant may assume the loan with approval of Grand Traverse County. A written agreement will be signed by Grand Traverse County and the new owner as evidence of approval of the loan payoff requirements. A joint recipient or surviving spouse shall automatically receive a continuance of the loan until the survivor dies, sells the property or no longer occupies the property as their primary residence.

#### Matching Funds:

Primary coordination will be with the United States Department of Agriculture Rural Development Agency home repair grants and loans or with NMCAA's other funding resources. Other match sources in



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the community will be used to reach the maximum number of households possible and may include but are not limited to: Department of Health and Human Services emergency services program for home repairs, local veteran's assistance programs, and client contributions.

### **Administration Section**

Time frames for activities:

Based on CDBG renewal guidelines, the proposed term of each grant is July 1<sup>st</sup> of the new Program Year to June 30th. Once Program Income receivables have been determined and certified by MEDC, marketing for the new funding round will begin.

Procurement of administrative services:

Grand Traverse County will contract out the administration of the CDBG Program Income to a third party entity. The County expects to award the entire 18% administration allowance to the contracted entity, based on past grant experience.

Program implementation by the Third Party Administrator will include the following:

- Preparation of the environmental review
- Outreach and public information about the program or project
- Processing applications for assistance
- Performance of property inspections and assessments
- Soliciting / Awarding project bids and contracts
- Supervising construction and project management
- Mortgage document preparation and processing
- Requesting resources and the financial tracking of these resources
- Reporting of project status and expenditures to County and MEDC

All Equal Access issues have been addressed in the Program Guidelines above.

Grand Traverse County will be responsible for:

- Providing monthly program income receivables reports to administrator
- Providing a Program Year receivables report to administrator each month (7/1 to date)
- Certifying Environmental Requirements per program year
- Reimbursement of project and administrative costs to administrator

Grand Traverse County will conduct a financial review through an independent contracted agent annually, in compliance with the Single Audit Act of 1984 and its applicable amendments. The Third Party Administrator will also comply with the Act and amendments and will conduct an annual financial review through an independent agent.

Fair housing:

Please see the Equal Opportunity section of the Program Guidelines for all fair housing compliance requirements.

Technical assistance:

Grand Traverse County is not receiving technical assistance at this time, and does not foresee its necessity to carry out the CDBG PI grant through the Third Party Administrator.

Planning for audit costs:

The Third Party Administrator will use part of the 18% administration fee paid for its services to cover the CDBG portion of the Single Audit.

Confidentiality:

The Third Party Administrator shall comply with MEDC Confidentiality Policy as it relates to CDBG funds.

Files:

The Third Party Administrator shall be responsible for establishing a permanent file for all approved applications and ensure that all necessary and required documents are included in the applicant's permanent file as required by MEDC. The Third Party Administrator will release pertinent file documents to MEDC and Grand Traverse County at the close of projects as is necessary and required.



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## **CERTIFYING OFFICER DESIGNATION**

**(for Local Units of Government)**

*The Certifying Officer, responsible for compliance with all environmental review requirements, is usually the chief elected official for the responsible entity/jurisdiction in which the project is located, or his/her designee. The designee should be an official with the legal authority to unilaterally sign a contract which obligates the grantee. The original of this executed form must be included in the Environmental Review Record.*

**Designation:**

**Robert Hentchel**, Chairperson, Board of Commissioners of Grand Traverse County is the Certifying Officer as defined in 24 CFR Sec. 58.13 for the Environmental Review requirements of CDBG funds, Program Year: 2017

Date:  Designated by:   
Robert Hentchel

**Acknowledgement:**

I, **Robert Hentchel, Chairperson of Board of Commissioners**, accept the responsibilities of the Certifying Officer for **Grand Traverse County**, as defined in 24 CFR 58.13. I consent to assume the status of "responsible Federal official" as that term is used in section 102 of the National Environmental Policy Act of 1969 and understand that I am responsible for all the requirements of section 102 of NEPA and the related provisions in 40 CFR parts 1500 through 1508, and 24 CFR part 58, including the related Federal authorities listed in Sec. 58.5 insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.

On behalf of the recipient, I personally accept the jurisdiction of the Federal courts for enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Certifying Officer Signature:  Date:   
**Robert Hentchel**  
**Chairperson, Board of Commissioners**



## Action Request

|                    |                          |                      |   |
|--------------------|--------------------------|----------------------|---|
| Meeting Date:      | March 6, 2019            |                      |   |
| Department:        | Administration           | Submitted By:        | Nate Alger  |
| Contact E-Mail:    | nalger@grandtraverse.org | Contact Telephone:   |   |
| Agenda Item Title: | Director of Equalization |                      |   |
| Estimated Time:    | 10<br>(in minutes)       | Laptop Presentation: | <input type="radio"/> Yes <input checked="" type="radio"/> No |

### Summary of Request:

Pursuant to MCL 211.34 (3) " the county board of commissioners of a county shall establish and maintain a department to survey assessments and assist the board of commissioners in the matter of equalization of assessments, and may employ in that department technical and clerical personnel which in its judgment are considered necessary. The personnel of the department shall be under the direct supervision and control of a director of the tax or equalization department who may designate an employee of the department as his or her deputy. The director of the county tax or equalization department shall be appointed by the county board of commissioners. "

On January 31, 2013 Jim Baker entered into a contract with the Grand Traverse Board of Commissioners to be the Director of Equalization. Due to discussions with the Equalization Director the Administration began looking at the Director's compensation, job duties, and performance in November as they compared to other similarly situated Directors. (Mr. Baker is a Master Level Assessor). This review showed that in comparison to other Northern Michigan Directors Mr. Baker's salary was comparable to others. As his salary is compared to other Level 4 Master Appraisers Mr. Baker's salary is on the low end of the scale.

In late 2015 the job duties of GIS were moved the Equalization Department under Mr. Baker. There was not any additional compensation provided to Mr. Baker at that time.

### Suggested Motion:

Move that the contract between the Board of Commissioners and Mr. Baker be terminated and that Mr. Baker be appointed by the Board of Commissioners as the Director of Equalization and be placed into the Classification N4 in our Classification system as a non-contract exempt employee.

### Financial Information:

|             |         |                    |  |                     |   |
|-------------|---------|--------------------|--|---------------------|---|
| Total Cost: | 3986.20 | General Fund Cost: |  | Included in budget: | <input type="radio"/> Yes <input checked="" type="radio"/> No |
|-------------|---------|--------------------|--|---------------------|---|

If not included in budget, recommended funding source:

This increase will be covered in the existin 2019 budget

This section for Finance Director, Human Resources Director, Civil Counsel, and Administration USE ONLY:

| Reviews:                 | Signature | Date |
|--------------------------|-----------|------|
| Finance Director         |           |      |
| Human Resources Director |           |      |
| Civil Counsel            |           |      |

|                 |   |       |               |
|-----------------|---|-------|---------------|
| Administration: | <input checked="" type="checkbox"/> Recommended | Date: | March 1, 2019 |
|-----------------|---|-------|---------------|

Miscellaneous:

### Attachments:

Attachment Titles:

**R E S O L U T I O N**  
**XX-2019**  
**Equalization Director**

WHEREAS, the Grand Traverse County Board of Commissioners met in regular session on March 6, 2019 and reviewed request to terminate the contract with the Director of Equalization and place that position into the N4 Classification as a non-contract exempt employee ; and,

WHEREAS, Pursuant to MCL 211.34 (3) the County Board of Commissioners shall establish and maintain a department to survey assessments and assist the board of commissioners in the matter of equalization of assessments, and may employ in that department technical and clerical personnel which in its judgment are considered necessary; and,

WHEREAS, in 2013, a contract was entered into with James Baker, Director of Equalization; and,

WHEREAS, upon review of the Equalization Director's compensation, job duties, and performance compared to other Level 4 Master Appraisers, it is recommended that the contract with Mr. Baker be terminated and the position of Equalization Director be placed in the Classification of N4 as a non-contract exempt employee; and,

WHEREAS, The change in salary will be covered in the existing 2019 budget.

**NOW THEREFORE BE IT RESOLVED BY THIS BOARD OF COMMISSIONERS**  
**THAT GRAND TRAVERSE COUNTY** approve termination of the contract with the Director of Equalization and place that position into the N4 Classification as a non-contract exempt employee.

**BE IT FURTHER RESOLVED THAT**, the Board of Commissioners authorizes the Board Chair or County Administrator to effectuate the necessary documents to implement the Board authorized action.

APPROVED: March 6, 2019



## Action Request

|                    |                                   |                      |   |
|--------------------|-----------------------------------|----------------------|---|
| Meeting Date:      | March 6, 2019                     |                      |   |
| Department:        | Administration                    | Submitted By:        | Chris Forsyth   |
| Contact E-Mail:    | cforsyth@grandtraverse.org        | Contact Telephone:   | 922-4780  |
| Agenda Item Title: | Additional Changes to Board Rules |                      |   |
| Estimated Time:    | 10 minutes<br>(in minutes)        | Laptop Presentation: | <input type="radio"/> Yes <input checked="" type="radio"/> No |

### Summary of Request:

Attached for the Board of Commissioners review and approval are additional changes to the Board of Commissioners Rules of Order. I made these changes after meeting with Commissioners Hentschel and Lapointe, and Deputy Civil Counsel Kit Tholen on Wednesday February 27th. The changes are found in Section 5, Agenda for Regular Meetings, Section 6, Conduct of Meetings and Section 11, Voting. I have included both a redline version and a clean copy of the changes.

### Suggested Motion:

RESOLVED. the Board of Commissioners approve amendments to the Grand Traverse County Board of Commissioners Rules of Order as prepared and presented by Administration.

### Financial Information:

|             |  |                    |  |                     |   |
|-------------|--|--------------------|--|---------------------|---|
| Total Cost: |  | General Fund Cost: |  | Included in budget: | <input type="radio"/> Yes <input checked="" type="radio"/> No |
|-------------|--|--------------------|--|---------------------|---|

If not included in budget, recommended funding source:

This section for Finance Director, Human Resources Director, Civil Counsel, and Administration USE ONLY:

|                          |   |       |
|--------------------------|---|-------|
| Reviews:                 | Signature                                       | Date  |
| Finance Director         |   |       |
| Human Resources Director |   |       |
| Civil Counsel            |   |       |
| Administration:          | <input checked="" type="checkbox"/> Recommended | Date: |

Miscellaneous:

### Attachments:

Attachment Titles:

Traverse Area District Library Member Selection Policy

## **COUNTY BOARD OF COMMISSIONERS RULES OF ORDER**

**Effective ~~February 6, 2019~~ INSERT DATE**

**(All previous versions of these rules are rescinded in their entirety)**

### **1. AUTHORITY**

These rules are adopted by the Grand Traverse County Board of Commissioners pursuant to MCL 46.11, as amended.

### **2. MEETINGS**

#### **2.1 Organizational Meeting**

**2.1.1** The first meeting in each calendar year shall be the organizational meeting.

#### **2.1.2 Procedure in Odd Numbered Years**

In each odd numbered year, the County Clerk shall preside. As the first item of business the County Clerk may administer the oath of office to the Commissioners, if they have not taken the oath of office.

The second item of business shall be the election of the Chairperson of the Board and Vice-Chairperson. The County Clerk shall call for nominations for the office of Chairperson and when nominations are closed by majority vote or no other nominations are forthcoming, the County Clerk shall order the roll of Commissioners to be called. When one nominee receives a majority of the votes of the members elected and serving, the nominee shall be declared the Chairperson.

The newly elected Chairperson shall assume the Chair and proceed with the election of the Vice-Chairperson, appointment of committee members, and the adoption of the Board Rules.

If the Commissioners present shall not cast a majority for one nominee, the County Clerk shall continue to preside until a majority of Commissioners elects one of its members to be Chairperson. The Board of Commissioners may proceed onto other agenda matters as they shall decide.

#### **2.1.3 Procedure in Even Numbered Years**

In even numbered years, the first order of business shall be the election to the office of Vice-Chairperson and appointment of Commissioners to standing committees and liaison positions. The Chairperson shall make all such appointments and shall appoint a Chairperson and Vice-Chair for each standing committee. All appointments shall be subject to approval of the full Board.

**[MCL 46.1; 46.3]**

## **2.2 Regular Monthly Meetings**

Regular meetings of the Board of Commissioners shall be held on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month, unless otherwise changed by the Board.

**[MCL 209.5]**

## **2.3 Study Sessions**

Study sessions are meetings designed to provide an opportunity for in-depth discussion of a matter and the agenda for any study session shall be requested by the County Administrator, Board Chairperson, or three County Commissioners. The Board of Commissioners shall not take any action at study sessions on any items discussed at the study sessions. Study Sessions of the Board of Commissioners shall be scheduled on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of each month at the same location where regular meetings are held. The Board Chairperson may cancel a study session if there is nothing to consider on the agenda after consultation with the County Administrator. Cancellation shall occur no later than 48 hours before the scheduled study session.

## **2.4 Annual Meeting**

The annual meeting shall be the last September regular Board meeting. The annual meeting may be held concurrently with the Board's regular meeting.

**[MCL 46.1; MCL 46.63]**

## **2.5 Equalization Meeting**

The equalization meeting shall be held on the Tuesday following the second Monday in April. The equalization report shall be completed before the first Monday in May.

**[MCL 211.34; 209.5]**

## **2.6 Emergency Meetings**

Emergency meetings of the Board of Commissioners may be held only with the approval of two-thirds (2/3 (5)) of the members of the Board and only if delay would threaten severe and imminent danger to the health, safety, and welfare of the public. A meeting is defined as an emergency meeting only if it must be held before the public notice as provided in rule 4 can be given.

## **2.7 Place of Meetings**

Meetings of the Board of Commissioners or any of its committees shall be held in the Governmental Center located at 400 Boardman Avenue, Traverse City, Michigan, unless public notice of the meeting states a different location. Whenever the regular meeting place shall appear inadequate for members of the public to attend, the Chairperson may

change the meeting location to a larger facility in the County. A notice of such change shall be prominently posted on the door of the regular meeting place. The County Clerk shall also give notice of the change in the meeting place in a newspaper if time permits.

## **2.8 Time of Regular Meetings and Study Sessions**

Regular meetings and study sessions of the Board of Commissioners shall begin at a fixed time as established annually by the Board at the organizational meeting. The Board shall not begin considering any matter on the agenda not yet under consideration beyond four hours after the Board Chairperson calls the meeting to order except upon the unanimous consent of the members present. Matters on the agenda and not yet acted upon at the time of adjournment will be placed on the agenda of the next regular meeting or a special meeting if one is called.

**2.9 Changes in Meeting Schedule; Recessed Meetings; Special Meetings** By a majority vote of the Board members elected and serving, changes may be made to the meeting schedule including time and place, or to recess any meeting to a later date. A special meeting of the County Board of Commissioners shall be held only when requested by at least 1/3 (3) of the members of the Board. The request shall be in writing, shall be addressed to the County Clerk, and shall specify the time, date, place, and purpose of the meeting. Upon the reception of a request, the County Clerk shall give notice to each of the commissioners at least 18 hours prior to the meeting, except in the case of an emergency meeting called in accordance with MCL § 15.265 (see Rule 2.6), in one of the following manners: by causing notice to be delivered to the Commissioners personally; or by leaving the notice at the residence of the Commissioner; or, by telephone, including leaving a message on a telephone answering machine, to a telephone number previously supplied for such purposes by the Commissioner; or, by email to an address previously supplied for such purpose by the Commissioner; or, by confirmed facsimile transmission to a fax number previously supplied by the Commissioner. Notice may also be delivered to a Commissioner by mailing a copy of the notice to his or her post office address by certified mail with return receipt requested, at least 10 days before the time of the meeting. Public notice of the time, date, and place of the meeting shall be given in the manner required by the Open Meetings Act and Rule 4, below.

**[MCL 46.10; 15.265]**

## **3. QUORUM**

A majority of the elected and serving members of the County Board of Commissioners constitutes a quorum for the transaction of the ordinary business of the County.

**[MCL 46.3]**

## **4. PUBLIC NOTICE OF MEETINGS**

The County Clerk shall provide the proper notice for all meetings of the Board of Commissioners. A meeting of the Board shall not be held unless public notice is given as provided in this section by the County Clerk. Such notice shall include, but not necessarily be limited to the following.

### **4.1 Regular, Annual, Organizational, Study Sessions and Equalization Meetings**

For regular meetings, as well as the annual meeting, organizational meeting, study sessions and equalization meeting, the County Clerk shall post a notice within 10 days after the organizational meeting of the Board in each calendar year a public notice stating the dates, times, and places of its regular, study sessions, annual, organizational and equalization meetings.

### **4.2 Schedule Change**

If there is a change in the schedule of regular meetings of the Board, there shall be posted within 3 days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings. Except as provided in this subsection, for a rescheduled regular or a special meeting of the Board, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting. The requirement of 18-hour notice shall not apply to special meetings of subcommittees of the Board.

### **4.3 Recessed Meetings**

A meeting of the Board which is recessed for more than 36 hours shall be reconvened only after public notice, which is equivalent to that required under subsection 4.2, has been posted.

### **4.4 Emergency Meetings**

Nothing in this section shall bar the Board from meeting in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 (5) of the members serving on the Board decide that delay would be detrimental to efforts to lessen or respond to the threat.

### **4.5 Special Notice Requirements for Meetings at Residential Dwellings**

A meeting of the Board may only take place in a residential dwelling if a nonresidential building within the boundary of the local governmental unit or school system is not available without cost to the Board. For a meeting of the Board of Commissioners which is held in a residential dwelling, notice of the meeting shall be published as a display advertisement in a newspaper of general circulation in the city or township in which the meeting is to be held. The notice shall be published not less than two days before the day on which the meeting is held, and shall state the date, time, and place of the meeting. The notice, which shall be at the bottom of the display advertisement and which shall be set

off in a conspicuous manner, shall include the following language: "This meeting is open to all members of the public under Michigan's open meetings act".

#### **4.6 Notification to Media and Others**

The County Clerk shall notify, without charge, any newspaper or radio or television station of the Board's meeting schedule, schedule changes, or special or emergency meetings whenever such media establishment has filed with the County Clerk a written request for such notice. The County Clerk shall also notify other individuals or organizations of regular meetings schedules, or special or emergency meetings, but only upon their written requests and agreement to pay the county for printing and postage expenses. The County Clerk shall mail all such notices required by the rule by first class mail or email.

**[MCL 15.265 and 15.266; MCL 46.10]**

### **5. AGENDA FOR REGULAR MEETINGS**

The County Administrator, after first reviewing pending matters and requests, and subject to approval by the Chairperson, shall prepare the proposed agenda of business for all regularly scheduled Commission meetings. Any Commissioner, department head, elected official, or chair of any board, authority or commission, desiring to place a matter on the agenda shall notify the County Administrator of such item by 3:00pm on Monday of the week preceding the meeting. Items not included on the proposed agenda or received after the proposed agenda has been posted shall not be considered by the Board unless approved by a majority vote of the Board members elected and serving.

#### **5.1 Agenda for Special Meetings**

Whenever the Board is called into session pursuant to Rule 2.9, changed, recessed and special meetings, the agenda shall be included in the notice of the meeting and no other matter shall be considered except when all Board members are present and a majority concurs.

#### **5.2 Distribution of Agenda and Materials**

Upon the completion of the proposed agenda, the County Administrator shall immediately distribute copies of the proposed agenda together with copies of reports, supporting information and documentation that relates to the matters of business on the agenda. Commissioners shall be entitled to receive such materials not later than closed of business on the Friday preceding the next regular meeting.

#### **5.3 Consent Calendar**

##### **5.3.1 Consent Calendar – Defined**

The Consent Calendar shall consist of those matters that the Board of Commissioners has determined to be "routine" and usually matters about which the Board commonly

concurs. Among such matters are the approval of minutes, reports of departments, committees and other boards, commissions and authorities, and other matters that the Board of Commissioners is required by statute or Board Rule to approve.

### **5.3.2 Consent Calendar – Procedure**

The County Administrator, in preparing the meeting agenda, shall list those matters under the heading of “consent calendar” and include the associated materials with those distributed to the members in accordance with rule 5.2. At a meeting of the Commissioners where a consent calendar has been prepared, the Board, upon the motion of a Commissioner, shall vote on the approval of the matters included under the consent calendar. Before putting the question to the Commissioners, any member of the Board, the public, or staff may request that an item or items be removed from the consent calendar and such request shall be granted. The Chairperson shall then direct the County Clerk to remove such matters and place them in their usual place on the meeting’s agenda. A vote shall not be required to remove a matter from the consent calendar. The Chairperson shall then call a roll call vote to approve or disapprove the consent calendar.

### **5.4 Order of Business**

After the Chairperson calls the meeting to order, the following shall be the order of the business for all regular meetings of the Board:

- a. Opening Ceremonies, Exercises, or Invocation\*
- b. Roll Call
- c. Approval of Minutes of Last Regular (and/or special) Meeting(s) of the Board (reading aloud is waived as long as the Board has been furnished a copy in the packet prior to the meeting)
- d. First public comment†
- e. Approval of the proposed agenda
- f. Action on consent calendar
- g. Special orders of business
- h. Items removed from consent calendar
- i. Department Action Items (includes Administration)
- j. Unfinished business
- k. New business
- l. Second public comment†
- m. Commissioner committee reports++
- n. Notices
- o. Closed session, if needed
- p. Adjournment

\*If the opening ceremonies include an invocation, the invocation should precede all other ceremonies, such as the singing of the National Anthem or Pledge of Allegiance, and shall be done in accordance with an invocation policy as adopted by the Board of Commissioners.

†Public comment may be allowed during the meeting in accordance with rule 6.3.2.6.

++ At the 2<sup>nd</sup> Board meeting of the month, each department director or appropriate staff member, on a rotating basis, will provide a 5 minutes report to the Board.

## **6. CONDUCT OF MEETINGS**

### **6.1 Chairperson**

The person elected Chairperson in each odd numbered year shall preside at all meetings of the Board. In the absence of the Chairperson, the person elected to the position of Vice-Chairperson in the first meeting each year shall preside. If neither the Chairperson nor Vice-Chairperson is present, the County Clerk shall preside until the Commissioners present elect a Commissioner to preside during the absence of the Chairperson and Vice-Chairperson. The Chairperson shall have all the same rights as other members with respect to procedural matters, debate and voting.

### **6.2 Rights and Duties of Board Members**

Board member shall not speak on a motion unless recognized by the Chairperson. All Board members who wish to speak on a motion subject to debate shall be permitted to speak once before any Board members shall be allowed to speak a second time. When a Board member is speaking on any question before the Board, the Board member shall not be interrupted except to be called to order. When a Board member is called to order, the Board member shall immediately cease speaking. The Board, if appealed to, shall decide the case. If there is no appeal, the ruling of the Chairperson shall be final. When a Board member is commenting on a question before the Board, the Board member cannot conclude their comments by moving the previous question. Board members shall not engage in dialogue with members of the public who address the Board, however, questions are permitted. The Chairperson shall vote on all questions except on an appeal from his or her own decision.

### **6.3 Rights of the Public**

#### **6.3.1 Right of the Public to be Present**

All persons shall be permitted to attend any meeting unless a closed meeting may be held in accordance with the provisions of sections 7 and 8 of the Open Meetings Act. No conditions on attendance may be placed on the public such as requiring that an attending person provide his name or other information. A person shall not be excluded from a public meeting except for a breach of the peace actually committed at the meeting.

**6.3.2 Right of the Public to Address the Meeting.** Any person shall be permitted to address a meeting of the Board which is required to be open to the public under the provisions of the Michigan Open Meetings Act, as amended, MCLA 15.261, et. seq. Public comment shall be carried out in accordance with the following procedure:

**6.3.2.1 Name and Address**

Any person wishing to address the Board may state his or her name and address.

**6.3.2.2 Permitted Topics**

Persons may address the Board on matters or issues which are relevant and germane to County government as determined by the Chairperson.

**6.3.2.3 Individuals**

No person shall be allowed to speak more than once on the same matter, excluding time needed to answer Commissioners' questions. The Chairperson shall control the amount of time each person shall be allowed to speak, which shall not exceed three (3) minutes. The Chairperson may, at his or her discretion, allow an additional opportunity or time to speak if determined germane and necessary to discussion. ~~extend the amount of time any person is allowed to speak.~~

**6.3.2.4 Groups**

Whenever a group wishes to address the Board, the group shall identify itself and make it known ahead of time that it wishes to address the Board in order to facilitate the planning of time allotments to various portions of the agenda. The Chairperson may require that the group designate a spokesperson; the Chairperson shall control the amount of time the spokesperson shall be allowed to speak, which shall not exceed ten (10) minutes. The Chairperson may, at his or her discretion, extend the amount of time the spokesperson is allowed to speak.

**6.3.2.5 Special Presentations**

It is expected that most special presentations will take place at study sessions. Should a special presentation be scheduled at a regular meeting of the Board, the person(s) invited by the Board or County Administrator will provide information on a specific item limited to 10 minutes, exclusive of questions. The Board shall limit its questions to 5 minutes. The Chairperson may, at his or her discretion, extend the amount of time for the presentation, the questions, or both.

**6.3.2.6 Time of Public Comment**

Public comment will be solicited during the two public comment periods noted in Rule 5.4, Order of Business. ~~However, public comment will generally be received at any time during the meeting regarding a specific topic currently under discussion by the Board.~~ However, public comment may be received during the

meeting when a specific agenda topic is scheduled for discussion by the Board.  
Prior to the first public comment, the Chairperson will indicate the topics on the  
agenda for which public comment will be accepted. Members of the public wishing to comment should raise their hand or pass a note to the County Clerk in order to be recognized, and shall not address the Board until called upon by the Chairperson. Neither the Chairperson nor the Board shall end or conclude any public comment period until each and every member of the public desiring and/or requesting to make a public comment during a public comment period has a full and fair opportunity to do so.

(See *Laurence v Grand Traverse County Board of Commissioners*, Grand Traverse County Circuit Court Case No. 13-30092 CZ)

#### **6.3.2.7 Addition to Public Comment Language**

The following phrase will be added to the public comment language on the agenda: "Please be respectful and refrain from personal or political attacks."

#### **6.4 Form of Address**

Each person who speaks shall direct his/her comments to the Chairperson. In order to avoid unscheduled debates, the Board generally will not comment or respond to a person who is addressing the Board. Silence or non-response from the Board should not be interpreted as disinterest or disagreement by the Board. Board members wishing to address a member of the public during public comment shall first obtain the approval of the Chairperson.

#### **6.5 Disorderly Conduct**

The Chairperson shall call to order any person who is behaving in a disorderly manner by speaking or otherwise disrupting the proceedings, by failing to be germane, by speaking longer than the allotted time, or by speaking vulgarities. Such person shall thereupon be seated until the Chairperson shall have determined whether the person is in order. If a person so engaged in presentation shall be ruled out of order, he or she shall not be permitted to speak further at the same meeting except upon special leave of the Board of Commissioners. If the person shall continue to be disorderly and to disrupt the meeting, the Chairperson may order the sergeant-at-arms, who shall be the County Sheriff or any of his/her deputies, to remove the person from the meeting. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

**[MCL 15.263]**

### **7. CHAIRPERSON; VICE-CHAIRPERSON**

#### **7.1 Election**

At the organizational meeting held in January of each year, the Board shall elect, from among its members a Chairperson (in odd numbered years only) and a Vice-Chairperson.

The concurrence of a majority of all members of the Board shall be necessary for election. The Chairperson and Vice-Chairperson shall begin their duties immediately upon their election. The Chairperson shall serve a two year term; the Vice-Chairperson shall serve a one year term.

## **7.2 Duties**

The Chairperson shall preside at a meeting of the Board, but if the Chairperson is absent from a meeting, the Vice-Chairperson shall preside. A Chairperson may administer an oath to a person concerning a matter submitted to the Board of Commissioners or connected with the discharge of its duties, may issue subpoenas for witnesses, and may compel the attendance of a witness in the same manner as a court of law. The Chairperson shall be the agent for the Board in the signing of contracts, orders, resolutions, Determinations, Board minutes and certifications. Unless otherwise agreed by the Board, the Vice-Chairperson is designated to affix his or her signature to contracts, bonds, and other documents requiring the signature of the Chairperson, if the Chairperson is unable to do so because of illness or other exigency which, in the opinion of the Board, prevents the Chairperson from performing the functions of the office.

**[MCL 46.3(4)]**

## **8. RECORD OF MEETINGS**

### **8.1 Minutes and Official Records**

The County Clerk, or in his or her absence the County Clerk's deputy, shall be the Clerk of the Board and shall be responsible for maintaining the official record and minutes of each meeting of the Board. The minutes shall include all the actions and decisions of the Board with respect to substantive (non-procedural) motions. The minutes shall include the names of the mover, the person seconding the action, and the vote of the Commissioners. The record shall also state whether the vote was by voice or by roll call, and shall show how each Board member voted.

The County Clerk shall maintain in the Office of the County Clerk copies of each resolution and ordinance or other matter acted upon by the Board. The official minutes, however, may refer to those matters by an identifying number and the descriptive title of the ordinance, resolution, or other matter.

### **8.2 Record of Discussion**

The County Clerk shall not be responsible for maintaining a written record or summary record of the discussions or comments of the Board members, nor of the comments made by members of the public. The County Clerk, though, shall be responsible for keeping an electronic record of each meeting of the Board of Commissioners. Each such recording shall be maintained in the Office of the County Clerk for a period of six months following the date of the meeting. Thereafter, the recording may be discarded unless the

recording shall be pertinent to any legal proceeding then underway, pending, or reasonably anticipated.

### **8.3 Public Access to Meeting Records**

The County Clerk shall make available to members of the public the records and minutes of the Board meetings in accordance with the Freedom of Information Act. Board minutes, prepared but not approved by the Board, shall be available for public inspection not more than eight business days following the meeting. Minutes approved by the Board shall be available within five business days after the date of the meeting in which the minutes were approved. The County Clerk shall promptly mail copies of the minutes to persons who have subscribed.

### **8.4 Publication of Minutes**

Immediately following each session of the Board of Commissioners, the County Clerk shall prepare a report of the proceedings of the Board at that meeting and make the report available as soon as possible in the Office of the County Clerk for public inspection and copying without charge, and mail copies of the report upon request without charge, and advertise that the report is available from the Office of the County Clerk in the Traverse City Record Eagle or other well-established newspaper in the County.

**[MCL 46.4; MCL 15.269; MCL 15.231-15.244 and MCL 15.261-15.275]**

## **9. OFFICIALS NOT TO BENEFIT**

### **9.1 Conflicts of Interest, County Commissioners**

County Commissioners shall comply with all requirements of MCL 15.322, Public Servants Contracting with the Public Entity they serve.

### **9.2 Conflicts of Interest, Other Board, Commission, Authority or Committee Members**

Any person who serves on any County board, commission, authority, special or advisory committee and who qualifies as a public servant shall not be a party, directly or indirectly, to any contract between himself or herself and the public entity of which he or she is an officer or employee and shall comply in all respects with MCL 15.322, Public Servants Contracting with the Public Entity they Serve.

**[MCL 46.30; MCL 46.30a; MCL 15.322 and 15.323]**

## **10. MOTIONS, RESOLUTIONS AND ORDINANCES**

### **10.1 Method of Making Motions.**

No motion shall be put before the Board for discussion or decision unless seconded and shall be restated by the chairperson prior to debate. Any motion shall be put in writing at the request of any Board member. Any motion may, with the permission of the Board

member who made the motion and the Board member who seconded the motion, be withdrawn at any time before the motion has been adopted. All motions and amendments or substitutes thereto shall be entered in the minutes of the Board unless withdrawn.

## **10.2 Resolutions and Ordinances to be in Writing**

All resolutions and ordinances shall be presented in writing and must be seconded before debate. Any resolution or ordinance may, with the permission of the member who made the motion and the second, be withdrawn at any time before the same has been adopted. All resolutions, ordinances, and amendments or substitutes thereto shall be entered in the minutes of the Board unless withdrawn.

## **10.3 Procedural Motions**

### **10.3.1 Motion to Adjourn**

A motion to adjourn shall always be in order except while a vote is being taken on any other motion already before the Board, or when a Board member has the floor; provided that there shall be other intervening business or a change in the circumstances between the two motions to adjourn.

### **10.3.2 Motion to Clear the Floor**

This motion may be made by the Chairperson or a Board member at any time procedural matters have become sufficiently confused. If the motion to clear the floor has been adopted, it shall clear the floor of all motions as though they have been withdrawn. The motion shall not be subject to debate nor, if adopted, to reconsideration.

### **10.3.3 Motion to Reconsider**

A motion to reconsider shall be in order on any question the Board has decided except for a motion to clear the floor. The motion to reconsider shall be in order only on the same day as the vote to be reconsidered was taken. The motion to reconsider shall be made only by a member who voted with the prevailing side.

### **10.3.4 Appeal Ruling of the Chairperson**

Any Commissioner may appeal the ruling to the chairperson. On all appeals receiving a second, the question shall be, "Shall the decision of the Chairperson stand as the decision of the County Board?"

### **10.3.5 Division of Question**

If a pending main motion (or an amendment to it) contains two or more parts capable of standing as separate questions, the Board can vote to treat each part individually in succession. Such a course is proposed by the motion for division of a question.

### **10.3.6 Withdrawal or Modification of Motion by the Maker**

The Chairperson shall accept a “friendly amendment” of a motion when the following two requirements are met -- first, there is an agreement between the member who made the motion and the member who seconded the motion and second, no other member objects to the friendly amendment. If these two requirements are not met, then the requirements stated in the below two paragraphs of this Rule 10.3.6 shall be followed.

Once a motion has been made, the member who made it may withdraw or modify the motion at any time prior to when the Chairperson states the motion. After the motion has been stated by the Chairperson, the mover must ask permission to withdraw the motion. Upon the making of such a request, the Chairperson shall announce: “Unless there is objection [pause] the motion is withdrawn.” If there is an objection, any other Commissioner can move that permission to withdraw be granted, and no second is required. A request for permission to withdraw a motion, or motion to grant such permission, can be made at any time before voting on the question has begun, even though the motion has been since modified. Any Board member can suggest that the maker of a motion ask permission to withdraw it, which the maker can do or decline to do, as he chooses. After a motion has been withdrawn, the situation is as though it had never been made; therefore, the same motion can be made again at the same meeting.

To modify a motion after it has been stated by the Chairperson, the maker asks Permission to do so, as in the case of withdrawal of a motion. If there is no objection, the Chairperson states the question on the modified motion. If anyone objects, and amendment is otherwise proper, the modification must be approved by a majority vote of those members present. The amendment requires a second if moved by the member who originally made the request.

#### **10.3.7 Motion to Lay on the Table**

A motion to lay on the table may be made by the Chairperson or any other Commissioner at any time prior to a vote on the main motion. A second is required and the motion requires a majority present to approve. If the motion to lay on the table is approved, consideration of the main motion is suspended temporarily without setting a time for resuming its consideration, but with the provision that it can be taken up again whenever a majority so decides.

#### **10.3.8 Motion to Take from the Table**

A motion to take from the table may be made by the Chairperson or any other Commissioner to reconsider a main motion that has been laid on the table. A second is required and a motion to take from the table must be approved by a majority present. A question that has been laid on the table remains there and can be taken from the table during the same session, or at the next session after it was laid on the table. If not taken from the table within these time limits, the question dies, although it can be renewed at a later date.

### **10.3.9 Motion to Amend; Secondary Amendments; No Tertiary Amendments**

A motion to amend a main motion, called a “primary amendment,” takes precedence over the main motion. Any Commissioner may move to amend a main motion so long as they have the floor. A second is required. Amendments must be germane to the main motion, that is, it must in some way involve the same question that is raised by the motion to which it is applied. The Chairperson shall rule out of order any proposed motion to amend that is not germane.

A motion to amend an amendment to a main motion is called a “secondary amendment” and shall take precedence over a main motion or primary amendment. A secondary amendment also requires a second. A secondary amendment cannot be amended. Only one primary and one secondary amendment are permitted at a time, but any number of each can be offered in succession—so long as they do not again raise questions already decided.

### **10.3.10 Motion to Postpone Indefinitely**

A motion to postpone indefinitely is a motion that the assembly decline to take a position on the main motion, and is in order only when the main motion is pending. Its adoption kills the main motion (for the duration of the session) and avoids a direct vote on the question. A motion to postpone indefinitely requires a second and a majority present to approve. An affirmative vote on the motion to postpone indefinitely can be reconsidered. A negative vote on it cannot be reconsidered.

### **10.3.11 Motion to Rescind**

A member who makes a motion to rescind something previously adopted must provide prior notice of the intent to present such a motion either at: (1) a previous Board meeting so long as that meeting was within 90 days of the meeting where a vote on the Motion to Rescind is to occur, or (2) no less than seven days prior to the meeting where a vote on the Motion to Rescind is to occur. If the member fails to provide such pre-meeting notice, then the vote required to rescind is two-thirds of those members elected and serving at the meeting where the motion to rescind is voted upon.

### **10.3.12 Order of Precedence of Motions**

Only one motion may be pending at one time. Generally, a main motion yields to all secondary motions. Secondary motions shall take precedence in the following order:

1. Fix the Time to Which to Adjourn
2. Adjourn
3. Recess
4. Raise a Question of Privilege
5. Call for the Orders of the Day
6. Lay on the Table (To interrupt the pending business so as to permit doing something else immediately)

7. Previous Question (Immediately to close debate and the making of certain motions)
8. Limit or Extend Limits of Debate
9. Postpone to a Certain Time
10. Commit
11. Amend
12. Postpone Indefinitely
13. Main Motion

## **11. VOTING**

### **11.1 Roll call Votes**

The names and votes of Commissioners shall be recorded on Board actions to adopt final measures as ordinances or appointment or election of officers. The Chairperson or any Commissioner may request a roll call vote be taken on a particular item.

### **11.2 Votes Required**

Procedural and other questions arising at a meeting of the Commissioners, except for those decisions required by statute or Board Rule to have a higher authority, shall be decided by a majority of the members present. A majority of the members elected and serving, however, shall be required for final passage or adoption of a measure, resolution, or the allowance of a claim.

### **11.3 Measures Requiring Two-Thirds (2/3 (5)) Vote of Members Elect**

The following actions of the Board shall require a two-thirds (2/3 (5)) vote of the members elected and serving:

Final passage or adoption of an non-agenda item after the Board of Commissioners approves the proposed agenda. [MCL 46.3].

Removal of the County seat. [MCL 46.17].

Removal from office of a County officer who refuses or neglects to make a report under oath to the Board or to give a bond reasonable or necessary for the performance of the duties of the office. [MCL 46.11(k)].

To rescind a prior Board action when pre-meeting notice is not provided in compliance with Rule 10.3.11.

To meet in closed session for any of the reasons noted in Rule 15. Any other matter requiring a 2/3 (5) vote by law.

### **11.4 Measures Requiring Majority Vote of Members Elected and Serving**

The following actions of the Board shall require a majority vote of the members elected and serving:

Final passage or adoption of any measure or resolution. [MCL 46.3(2)]  
Final passage of an ordinance. [MCL 46.11(j)]  
Allowance of any claim against the County. [MCL 46.3(2)]  
Adoption of an annual budget. [MCL 46.3(2)]  
Adoption or amendment of these Rules. [RONR 10<sup>th</sup> ed., p 573]  
Appointment of Road commissioners. [MCL 224.6]  
Appointment of Civil Counsel. [MCL 49.71]  
Election of the Chairperson and Vice-chairperson of the board.  
Any other matter which by law requires a majority vote of members elected and serving.

## **11.5 Measures Requiring Three-Fourths (3/4 (6)) Vote of Members Seated and Serving**

Contract between the County and County Employees or Officials.

### **11.6 Method of Voting [MCL 46.3a]**

Members of the Board of Commissioners must be physically present at a meeting to vote on an action taken by the Board of Commissioners or by a committee of the Board of Commissioners. Members are not permitted to vote by telephone or by means of video conferencing. The names and votes of members shall be recorded on an action taken by the Board of Commissioners or by a committee of the Board of Commissioners if the action is on an ordinance or the appointment or election of an officer. The vote and the name of the member voting on other questions or motions shall be recorded at the request of 1/5 of the members present if the question or motion is before the Board, or 1/3 of the members present if the question or motion is before a committee of the Board. A record that is made pursuant to this section shall be available for public inspection. All other measures shall be voted by voice vote. If a commissioner present does not respond to the call for the voice vote, his or her vote shall be recorded as an affirmative vote, unless good cause is shown for abstaining. If there is abstention or a nay vote, there shall be a roll call vote.

### **11.7 Procedure for Conducting Roll Call Vote**

All roll call votes shall be conducted in accordance with the following procedures:

Prior to the first meeting of the Board in each odd numbered year, the County Clerk shall prepare four lists of the members of the Board in the following sequences, provided however, that the name of the Chairperson shall appear as the final name on each of the four lists: (1) alphabetical order; (2) reverse alphabetical order; (3) by district number; and (4) by reverse district number. The County Clerk shall randomly mix the four (4) different lists prior to each meeting of the Board. For each roll call vote at each meeting of the Board, the County Clerk shall proceed to select one list and call the roll in descending order in which the members appear on that list for all roll calls at that meeting.

**[MCL 46.3 and 46.3a]**

## **12. RULES OF PROCEDURE; APPEAL**

### **12.1 Questions of Procedure Not Covered by Standing Rules**

The rules contained in the latest edition of Robert's Rules of Order Newly Revised shall govern in all cases to which they are applicable and in which they are not inconsistent with these rules and any special rules of order the board may adopt.

### **12.2 Appeal**

The Board as a whole, not the Chairperson, is the final authority in judging whether these rules have been violated. A Board member who disagrees with a ruling by the Chairperson may appeal the ruling to the Board as a whole. Without waiting to be recognized, a member wishing to appeal the ruling shall say, "I appeal from the decision of the Chairperson." An appeal requires a second. The appeal may be debated, however, unlike other motions, each member may speak only once. The Chairperson may speak in debate twice, the first time in preference over other members and the second time to close debate. An appeal is stated and put to a vote as "Shall the decision of the Chairperson be sustained?" It requires a majority vote in the negative to overturn the chair's ruling. A tie sustains the decision of the Chairperson, and loses the appeal.

**[RONR (10<sup>th</sup> Ed), pp 247-252]**

## **13. COMMITTEES**

Each committee shall thoroughly investigate any matter referred to it by the Board or Board Chairperson and shall report in writing the findings to the Board without undue delay. Upon the motion of any Board member, and approval by a majority of the Board, the Board may discharge a committee from further consideration of any matter.

### **13.1 Special Committees**

The Board may create such special or advisory committees as it deems necessary or appropriate. Special or advisory committees shall automatically expire on December 31<sup>st</sup> of the year in which they are created unless a different term is specified in the resolution establishing the special or advisory committee, such as until a date certain, or until completion of the appointed task. The term of a special or advisory committee may be extended by the Board. The terms of all members of a special or advisory committee shall automatically expire upon the termination of the special or advisory committee. Special or advisory committees may consist, in whole or in part, of persons who are not Board members. Members of special committees shall be made by the Board Chairperson subject to Board approval.

### **13.2 Open Meetings Act**

Meetings of all committees of the Board of Commissioners shall conform to the requirements of the Open Meetings Act.

### **13.3 Rules of Order**

The rules of order adopted by the Board of Commissioners, to the extent that they are applicable, shall govern all matters of procedure related to committees.

## **14. APPOINTMENTS TO OTHER BOARDS, COMMISSIONS AND AUTHORITIES.**

### **14.1 Appointments of Commissioners to Other Boards, Commissions and Authorities**

Appointment of Commissioners to other boards, commissions and authorities shall be made by the Chairperson at the organizational meeting and ratified by a majority of the Board elected and serving.

### **14.2 Vacancies on Other Boards, Commissions and Authorities.**

Whenever there shall arise the need to make an appointment to other boards, authorities or commissions, the Chairperson shall appoint an ad hoc committee to review applications for the position and make recommendations for the appointment to the full Board. All appointees to other boards, authorities and commissions shall be ratified by the Board. However, appointment to the Road Commission and Health and Human Services Board shall be made by the full Board.

## **15. CLOSED SESSIONS**

### **15.1 Motion for Closed Session**

The vote to hold a closed session meeting shall be recorded in the minutes of the meeting at which the motion was made.

### **15.2 Two-thirds Vote (5 members)**

The Board of Commissioners may meet in closed session, closed to the members of the public, upon the motion of any Board member and a roll call vote approval by two-thirds (5) of the Board members for the following purposes:

To consider the purchase or lease of real property, until an option to purchase or lease that property is obtained. To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the county board. To meet with an attorney to consider the attorney's written opinion. To review the specific contents of an application for employment to a County position and the applicant requests that the application remain confidential. Whenever the Board meets to interview an applicant, it shall be in open session.

### **15.3 Other Reasons**

The Board may also meet in closed session for the following reasons without the requirement of the two-thirds (5) vote:

To reconsider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of a public officer, employee, staff member, or individual agent if the named person requests a closed hearing. If the person rescinds his/her request for a closed hearing the matter at issue shall thereafter be considered only in open public meeting. To consider strategy connected with the negotiation of a collective bargaining agreement.

### **15.4 Attendance, Closed Session**

A member of the Board of Commissioners must be physically present at a meeting in order to attend a Closed Session. A member may not attend a closed session by telephone or by means of video conferencing.

### **15.5 Minutes, Closed Session**

For each closed session, the County Clerk shall make a separate record of the topics discussed. This record shall not be disclosed to the public except upon the order of a court. The County Clerk may destroy the minutes after one year and one day have passed after the meeting at which the approved minutes of the meeting at which the board voted to hold the executive meeting.

[MCL 15.267; *Booth Newspapers v City of Wyoming* (425 NW2d 695)].

## **16. COMPENSATION**

The Board shall by budget resolution fix the compensation, per diem, mileage reimbursement, retirement, health benefits and allowed expenses of members of the Board of Commissioners and its committees. The Board shall also establish a per diem policy setting forth the appropriate guidelines for per diem payments. Changes in compensation shall become effective only after the time members of the Board commence their terms of office after a general election, provided that it is voted upon before the commencement of the new terms of office. This rule shall not be construed to prohibit a structured change in compensation implemented in phases over the term of office.

[MCL 46.415; 1977-1978 OAG 81].

## **17. AMENDMENT TO AND EFFECTIVE DATE OF THESE RULES**

These Rules may be amended, suspended, or rescinded only if approved by at least a majority of the Commissioners elected and serving. These Rules shall remain in effect

until rescinded or amended. Any amendment to these Rules shall take immediate effect unless otherwise stated by the Board at the time of adoption.

**R E S O L U T I O N**  
**XX-2019**  
**Grand Traverse County Revised Board Rules**

WHEREAS, The Grand Traverse County Board of Commissioners met in regular session on March 6, 2019, and reviewed revised Board Rules as presented; and,

WHEREAS, Updates and changes that were discussed since February 6, 2019, were incorporated and the final product is attached; and,

NOW THEREFORE BE IT RESOLVED THAT THE Grand Traverse County Board of Commissioners That Grand Traverse County approve the Board Rules attached hereto and hereby becoming a part of this resolution effective this date.

APPROVED: March 6, 2019

## **COUNTY BOARD OF COMMISSIONERS RULES OF ORDER**

**Effective aaaaaaaaaaaa**

**(All previous versions of these rules are rescinded in their entirety)**

### **1. AUTHORITY**

These rules are adopted by the Grand Traverse County Board of Commissioners pursuant to MCL 46.11, as amended.

### **2. MEETINGS**

#### **2.1 Organizational Meeting**

**2.1.1** The first meeting in each calendar year shall be the organizational meeting.

#### **2.1.2 Procedure in Odd Numbered Years**

In each odd numbered year, the County Clerk shall preside. As the first item of business the County Clerk may administer the oath of office to the Commissioners, if they have not taken the oath of office.

The second item of business shall be the election of the Chairperson of the Board and Vice-Chairperson. The County Clerk shall call for nominations for the office of Chairperson and when nominations are closed by majority vote or no other nominations are forthcoming, the County Clerk shall order the roll of Commissioners to be called. When one nominee receives a majority of the votes of the members elected and serving, the nominee shall be declared the Chairperson.

The newly elected Chairperson shall assume the Chair and proceed with the election of the Vice-Chairperson, appointment of committee members, and the adoption of the Board Rules.

If the Commissioners present shall not cast a majority for one nominee, the County Clerk shall continue to preside until a majority of Commissioners elects one of its members to be Chairperson. The Board of Commissioners may proceed onto other agenda matters as they shall decide.

#### **2.1.3 Procedure in Even Numbered Years**

In even numbered years, the first order of business shall be the election to the office of Vice-Chairperson and appointment of Commissioners to standing committees and liaison positions. The Chairperson shall make all such appointments and shall appoint a Chairperson and Vice-Chair for each standing committee. All appointments shall be subject to approval of the full Board.

**[MCL 46.1; 46.3]**

## **2.2 Regular Monthly Meetings**

Regular meetings of the Board of Commissioners shall be held on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month, unless otherwise changed by the Board.

**[MCL 209.5]**

## **2.3 Study Sessions**

Study sessions are meetings designed to provide an opportunity for in-depth discussion of a matter and the agenda for any study session shall be requested by the County Administrator, Board Chairperson, or three County Commissioners. The Board of Commissioners shall not take any action at study sessions on any items discussed at the study sessions. Study Sessions of the Board of Commissioners shall be scheduled on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of each month at the same location where regular meetings are held. The Board Chairperson may cancel a study session if there is nothing to consider on the agenda after consultation with the County Administrator. Cancellation shall occur no later than 48 hours before the scheduled study session.

## **2.4 Annual Meeting**

The annual meeting shall be the last September regular Board meeting. The annual meeting may be held concurrently with the Board's regular meeting.

**[MCL 46.1; MCL 46.63]**

## **2.5 Equalization Meeting**

The equalization meeting shall be held on the Tuesday following the second Monday in April. The equalization report shall be completed before the first Monday in May.

**[MCL 211.34; 209.5]**

## **2.6 Emergency Meetings**

Emergency meetings of the Board of Commissioners may be held only with the approval of two-thirds (2/3 (5)) of the members of the Board and only if delay would threaten severe and imminent danger to the health, safety, and welfare of the public. A meeting is defined as an emergency meeting only if it must be held before the public notice as provided in rule 4 can be given.

## **2.7 Place of Meetings**

Meetings of the Board of Commissioners or any of its committees shall be held in the Governmental Center located at 400 Boardman Avenue, Traverse City, Michigan, unless public notice of the meeting states a different location. Whenever the regular meeting place shall appear inadequate for members of the public to attend, the Chairperson may

change the meeting location to a larger facility in the County. A notice of such change shall be prominently posted on the door of the regular meeting place. The County Clerk shall also give notice of the change in the meeting place in a newspaper if time permits.

## **2.8 Time of Regular Meetings and Study Sessions**

Regular meetings and study sessions of the Board of Commissioners shall begin at a fixed time as established annually by the Board at the organizational meeting. The Board shall not begin considering any matter on the agenda not yet under consideration beyond four hours after the Board Chairperson calls the meeting to order except upon the unanimous consent of the members present. Matters on the agenda and not yet acted upon at the time of adjournment will be placed on the agenda of the next regular meeting or a special meeting if one is called.

**2.9 Changes in Meeting Schedule; Recessed Meetings; Special Meetings** By a majority vote of the Board members elected and serving, changes may be made to the meeting schedule including time and place, or to recess any meeting to a later date. A special meeting of the County Board of Commissioners shall be held only when requested by at least 1/3 (3) of the members of the Board. The request shall be in writing, shall be addressed to the County Clerk, and shall specify the time, date, place, and purpose of the meeting. Upon the reception of a request, the County Clerk shall give notice to each of the commissioners at least 18 hours prior to the meeting, except in the case of an emergency meeting called in accordance with MCL § 15.265 (see Rule 2.6), in one of the following manners: by causing notice to be delivered to the Commissioners personally; or by leaving the notice at the residence of the Commissioner; or, by telephone, including leaving a message on a telephone answering machine, to a telephone number previously supplied for such purposes by the Commissioner; or, by email to an address previously supplied for such purpose by the Commissioner; or, by confirmed facsimile transmission to a fax number previously supplied by the Commissioner. Notice may also be delivered to a Commissioner by mailing a copy of the notice to his or her post office address by certified mail with return receipt requested, at least 10 days before the time of the meeting. Public notice of the time, date, and place of the meeting shall be given in the manner required by the Open Meetings Act and Rule 4, below.

**[MCL 46.10; 15.265]**

## **3. QUORUM**

A majority of the elected and serving members of the County Board of Commissioners constitutes a quorum for the transaction of the ordinary business of the County.

**[MCL 46.3]**

## **4. PUBLIC NOTICE OF MEETINGS**

The County Clerk shall provide the proper notice for all meetings of the Board of Commissioners. A meeting of the Board shall not be held unless public notice is given as provided in this section by the County Clerk. Such notice shall include, but not necessarily be limited to the following.

### **4.1 Regular, Annual, Organizational, Study Sessions and Equalization Meetings**

For regular meetings, as well as the annual meeting, organizational meeting, study sessions and equalization meeting, the County Clerk shall post a notice within 10 days after the organizational meeting of the Board in each calendar year a public notice stating the dates, times, and places of its regular, study sessions, annual, organizational and equalization meetings.

### **4.2 Schedule Change**

If there is a change in the schedule of regular meetings of the Board, there shall be posted within 3 days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings. Except as provided in this subsection, for a rescheduled regular or a special meeting of the Board, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting. The requirement of 18-hour notice shall not apply to special meetings of subcommittees of the Board.

### **4.3 Recessed Meetings**

A meeting of the Board which is recessed for more than 36 hours shall be reconvened only after public notice, which is equivalent to that required under subsection 4.2, has been posted.

### **4.4 Emergency Meetings**

Nothing in this section shall bar the Board from meeting in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 (5) of the members serving on the Board decide that delay would be detrimental to efforts to lessen or respond to the threat.

### **4.5 Special Notice Requirements for Meetings at Residential Dwellings**

A meeting of the Board may only take place in a residential dwelling if a nonresidential building within the boundary of the local governmental unit or school system is not available without cost to the Board. For a meeting of the Board of Commissioners which is held in a residential dwelling, notice of the meeting shall be published as a display advertisement in a newspaper of general circulation in the city or township in which the meeting is to be held. The notice shall be published not less than two days before the day on which the meeting is held, and shall state the date, time, and place of the meeting. The notice, which shall be at the bottom of the display advertisement and which shall be set

off in a conspicuous manner, shall include the following language: "This meeting is open to all members of the public under Michigan's open meetings act".

#### **4.6 Notification to Media and Others**

The County Clerk shall notify, without charge, any newspaper or radio or television station of the Board's meeting schedule, schedule changes, or special or emergency meetings whenever such media establishment has filed with the County Clerk a written request for such notice. The County Clerk shall also notify other individuals or organizations of regular meetings schedules, or special or emergency meetings, but only upon their written requests and agreement to pay the county for printing and postage expenses. The County Clerk shall mail all such notices required by the rule by first class mail or email.

**[MCL 15.265 and 15.266; MCL 46.10]**

### **5. AGENDA FOR REGULAR MEETINGS**

The County Administrator, after first reviewing pending matters and requests, and subject to approval by the Chairperson, shall prepare the proposed agenda of business for all regularly scheduled Commission meetings. Any Commissioner, department head, elected official, or chair of any board, authority or commission, desiring to place a matter on the agenda shall notify the County Administrator of such item by 3:00pm on Monday of the week preceding the meeting. Items not included on the proposed agenda or received after the proposed agenda has been posted shall not be considered by the Board unless approved by a majority vote of the Board members elected and serving.

#### **5.1 Agenda for Special Meetings**

Whenever the Board is called into session pursuant to Rule 2.9, changed, recessed and special meetings, the agenda shall be included in the notice of the meeting and no other matter shall be considered except when all Board members are present and a majority concurs.

#### **5.2 Distribution of Agenda and Materials**

Upon the completion of the proposed agenda, the County Administrator shall immediately distribute copies of the proposed agenda together with copies of reports, supporting information and documentation that relates to the matters of business on the agenda. Commissioners shall be entitled to receive such materials not later than closed of business on the Friday preceding the next regular meeting.

#### **5.3 Consent Calendar**

##### **5.3.1 Consent Calendar – Defined**

The Consent Calendar shall consist of those matters that the Board of Commissioners has determined to be "routine" and usually matters about which the Board commonly

concurs. Among such matters are the approval of minutes, reports of departments, committees and other boards, commissions and authorities, and other matters that the Board of Commissioners is required by statute or Board Rule to approve.

### **5.3.2 Consent Calendar – Procedure**

The County Administrator, in preparing the meeting agenda, shall list those matters under the heading of “consent calendar” and include the associated materials with those distributed to the members in accordance with rule 5.2. At a meeting of the Commissioners where a consent calendar has been prepared, the Board, upon the motion of a Commissioner, shall vote on the approval of the matters included under the consent calendar. Before putting the question to the Commissioners, any member of the Board, the public, or staff may request that an item or items be removed from the consent calendar and such request shall be granted. The Chairperson shall then direct the County Clerk to remove such matters and place them in their usual place on the meeting’s agenda. A vote shall not be required to remove a matter from the consent calendar. The Chairperson shall then call a roll call vote to approve or disapprove the consent calendar.

### **5.4 Order of Business**

After the Chairperson calls the meeting to order, the following shall be the order of the business for all regular meetings of the Board:

- a. Opening Ceremonies, Exercises, or Invocation\*
- b. Roll Call
- c. Approval of Minutes of Last Regular (and/or special) Meeting(s) of the Board (reading aloud is waived as long as the Board has been furnished a copy in the packet prior to the meeting)
- d. First public comment†
- e. Approval of the proposed agenda
- f. Action on consent calendar
- g. Special orders of business
- h. Items removed from consent calendar
- i. Department Action Items (includes Administration)
- j. Unfinished business
- k. New business
- l. Second public comment†
- m. Commissioner committee reports++
- n. Notices
- o. Closed session, if needed
- p. Adjournment

\*If the opening ceremonies include an invocation, the invocation should precede all other ceremonies, such as the singing of the National Anthem or Pledge of Allegiance, and shall be done in accordance with an invocation policy as adopted by the Board of Commissioners.

†Public comment may be allowed during the meeting in accordance with rule 6.3.2.6.

++ At the 2<sup>nd</sup> Board meeting of the month, each department director or appropriate staff member, on a rotating basis, will provide a 5 minutes report to the Board.

## **6. CONDUCT OF MEETINGS**

### **6.1 Chairperson**

The person elected Chairperson in each odd numbered year shall preside at all meetings of the Board. In the absence of the Chairperson, the person elected to the position of Vice-Chairperson in the first meeting each year shall preside. If neither the Chairperson nor Vice-Chairperson is present, the County Clerk shall preside until the Commissioners present elect a Commissioner to preside during the absence of the Chairperson and Vice-Chairperson. The Chairperson shall have all the same rights as other members with respect to procedural matters, debate and voting.

### **6.2 Rights and Duties of Board Members**

Board member shall not speak on a motion unless recognized by the Chairperson. All Board members who wish to speak on a motion subject to debate shall be permitted to speak once before any Board members shall be allowed to speak a second time. When a Board member is speaking on any question before the Board, the Board member shall not be interrupted except to be called to order. When a Board member is called to order, the Board member shall immediately cease speaking. The Board, if appealed to, shall decide the case. If there is no appeal, the ruling of the Chairperson shall be final. When a Board member is commenting on a question before the Board, the Board member cannot conclude their comments by moving the previous question. Board members shall not engage in dialogue with members of the public who address the Board, however, questions are permitted. The Chairperson shall vote on all questions except on an appeal from his or her own decision.

### **6.3 Rights of the Public**

#### **6.3.1 Right of the Public to be Present**

All persons shall be permitted to attend any meeting unless a closed meeting may be held in accordance with the provisions of sections 7 and 8 of the Open Meetings Act. No conditions on attendance may be placed on the public such as requiring that an attending person provide his name or other information. A person shall not be excluded from a public meeting except for a breach of the peace actually committed at the meeting.

**6.3.2 Right of the Public to Address the Meeting.** Any person shall be permitted to address a meeting of the Board which is required to be open to the public under the provisions of the Michigan Open Meetings Act, as amended, MCLA 15.261, et. seq. Public comment shall be carried out in accordance with the following procedure:

**6.3.2.1 Name and Address**

Any person wishing to address the Board may state his or her name and address.

**6.3.2.2 Permitted Topics**

Persons may address the Board on matters or issues which are relevant and germane to County government as determined by the Chairperson

**6.3.2.3 Individuals**

No person shall be allowed to speak more than once on the same matter, excluding time needed to answer Commissioners' questions. The Chairperson shall control the amount of time each person shall be allowed to speak, which shall not exceed three (3) minutes. The Chairperson may, at his or her discretion, allow an additional opportunity or time to speak if determined germane and necessary to discussion.

**6.3.2.4 Groups**

Whenever a group wishes to address the Board, the group shall identify itself and make it known ahead of time that it wishes to address the Board in order to facilitate the planning of time allotments to various portions of the agenda. The Chairperson may require that the group designate a spokesperson; the Chairperson shall control the amount of time the spokesperson shall be allowed to speak, which shall not exceed ten (10) minutes. The Chairperson may, at his or her discretion, extend the amount of time the spokesperson is allowed to speak.

**6.3.2.5 Special Presentations**

It is expected that most special presentations will take place at study sessions. Should a special presentation be scheduled at a regular meeting of the Board, the person(s) invited by the Board or County Administrator will provide information on a specific item limited to 10 minutes, exclusive of questions. The Board shall limit its questions to 5 minutes. The Chairperson may, at his or her discretion, extend the amount of time for the presentation, the questions, or both.

**6.3.2.6 Time of Public Comment**

Public comment will be solicited during the two public comment periods noted in Rule 5.4, Order of Business. However, public comment may be received during the meeting when a specific agenda topic is scheduled for discussion by the Board. Prior to the first public comment, the Chairperson will indicate the topics on the agenda for which public comment will be accepted. Members of the public

wishing to comment should raise their hand or pass a note to the County Clerk in order to be recognized, and shall not address the Board until called upon by the Chairperson. Neither the Chairperson nor the Board shall end or conclude any public comment period until each and every member of the public desiring and/or requesting to make a public comment during a public comment period has a full and fair opportunity to do so.

(See *Laurence v Grand Traverse County Board of Commissioners*, Grand Traverse County Circuit Court Case No. 13-30092 CZ)

#### **6.3.2.7 Addition to Public Comment Language**

The following phrase will be added to the public comment language on the agenda: "Please be respectful and refrain from personal or political attacks."

#### **6.4 Form of Address**

Each person who speaks shall direct his/her comments to the Chairperson. In order to avoid unscheduled debates, the Board generally will not comment or respond to a person who is addressing the Board. Silence or non-response from the Board should not be interpreted as disinterest or disagreement by the Board. Board members wishing to address a member of the public during public comment shall first obtain the approval of the Chairperson.

#### **6.5 Disorderly Conduct**

The Chairperson shall call to order any person who is behaving in a disorderly manner by speaking or otherwise disrupting the proceedings, by failing to be germane, by speaking longer than the allotted time, or by speaking vulgarities. Such person shall thereupon be seated until the Chairperson shall have determined whether the person is in order. If a person so engaged in presentation shall be ruled out of order, he or she shall not be permitted to speak further at the same meeting except upon special leave of the Board of Commissioners. If the person shall continue to be disorderly and to disrupt the meeting, the Chairperson may order the sergeant-at-arms, who shall be the County Sheriff or any of his/her deputies, to remove the person from the meeting. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

**[MCL 15.263]**

### **7. CHAIRPERSON; VICE-CHAIRPERSON**

#### **7.1 Election**

At the organizational meeting held in January of each year, the Board shall elect, from among its members a Chairperson (in odd numbered years only) and a Vice-Chairperson. The concurrence of a majority of all members of the Board shall be necessary for election. The Chairperson and Vice-Chairperson shall begin their duties immediately

upon their election. The Chairperson shall serve a two year term; the Vice-Chairperson shall serve a one year term.

## **7.2 Duties**

The Chairperson shall preside at a meeting of the Board, but if the Chairperson is absent from a meeting, the Vice-Chairperson shall preside. A Chairperson may administer an oath to a person concerning a matter submitted to the Board of Commissioners or connected with the discharge of its duties, may issue subpoenas for witnesses, and may compel the attendance of a witness in the same manner as a court of law. The Chairperson shall be the agent for the Board in the signing of contracts, orders, resolutions, Determinations, Board minutes and certifications. Unless otherwise agreed by the Board, the Vice-Chairperson is designated to affix his or her signature to contracts, bonds, and other documents requiring the signature of the Chairperson, if the Chairperson is unable to do so because of illness or other exigency which, in the opinion of the Board, prevents the Chairperson from performing the functions of the office.

**[MCL 46.3(4)]**

## **8. RECORD OF MEETINGS**

### **8.1 Minutes and Official Records**

The County Clerk, or in his or her absence the County Clerk's deputy, shall be the Clerk of the Board and shall be responsible for maintaining the official record and minutes of each meeting of the Board. The minutes shall include all the actions and decisions of the Board with respect to substantive (non-procedural) motions. The minutes shall include the names of the mover, the person seconding the action, and the vote of the Commissioners. The record shall also state whether the vote was by voice or by roll call, and shall show how each Board member voted.

The County Clerk shall maintain in the Office of the County Clerk copies of each resolution and ordinance or other matter acted upon by the Board. The official minutes, however, may refer to those matters by an identifying number and the descriptive title of the ordinance, resolution, or other matter.

### **8.2 Record of Discussion**

The County Clerk shall not be responsible for maintaining a written record or summary record of the discussions or comments of the Board members, nor of the comments made by members of the public. The County Clerk, though, shall be responsible for keeping an electronic record of each meeting of the Board of Commissioners. Each such recording shall be maintained in the Office of the County Clerk for a period of six months following the date of the meeting. Thereafter, the recording may be discarded unless the recording shall be pertinent to any legal proceeding then underway, pending, or reasonably anticipated.

### **8.3 Public Access to Meeting Records**

The County Clerk shall make available to members of the public the records and minutes of the Board meetings in accordance with the Freedom of Information Act. Board minutes, prepared but not approved by the Board, shall be available for public inspection not more than eight business days following the meeting. Minutes approved by the Board shall be available within five business days after the date of the meeting in which the minutes were approved. The County Clerk shall promptly mail copies of the minutes to persons who have subscribed.

### **8.4 Publication of Minutes**

Immediately following each session of the Board of Commissioners, the County Clerk shall prepare a report of the proceedings of the Board at that meeting and make the report available as soon as possible in the Office of the County Clerk for public inspection and copying without charge, and mail copies of the report upon request without charge, and advertise that the report is available from the Office of the County Clerk in the Traverse City Record Eagle or other well-established newspaper in the County.

**[MCL 46.4; MCL 15.269; MCL 15.231-15.244 and MCL 15.261-15.275]**

## **9. OFFICIALS NOT TO BENEFIT**

### **9.1 Conflicts of Interest, County Commissioners**

County Commissioners shall comply with all requirements of MCL 15.322, Public Servants Contracting with the Public Entity they serve.

### **9.2 Conflicts of Interest, Other Board, Commission, Authority or Committee Members**

Any person who serves on any County board, commission, authority, special or advisory committee and who qualifies as a public servant shall not be a party, directly or indirectly, to any contract between himself or herself and the public entity of which he or she is an officer or employee and shall comply in all respects with MCL 15.322, Public Servants Contracting with the Public Entity they Serve.

**[MCL 46.30; MCL 46.30a; MCL 15.322 and 15.323]**

## **10. MOTIONS, RESOLUTIONS AND ORDINANCES**

### **10.1 Method of Making Motions.**

No motion shall be put before the Board for discussion or decision unless seconded and shall be restated by the chairperson prior to debate. Any motion shall be put in writing at the request of any Board member. Any motion may, with the permission of the Board member who made the motion and the Board member who seconded the motion, be

withdrawn at any time before the motion has been adopted. All motions and amendments or substitutes thereto shall be entered in the minutes of the Board unless withdrawn.

## **10.2 Resolutions and Ordinances to be in Writing**

All resolutions and ordinances shall be presented in writing and must be seconded before debate. Any resolution or ordinance may, with the permission of the member who made the motion and the second, be withdrawn at any time before the same has been adopted. All resolutions, ordinances, and amendments or substitutes thereto shall be entered in the minutes of the Board unless withdrawn.

## **10.3 Procedural Motions**

### **10.3.1 Motion to Adjourn**

A motion to adjourn shall always be in order except while a vote is being taken on any other motion already before the Board, or when a Board member has the floor; provided that there shall be other intervening business or a change in the circumstances between the two motions to adjourn.

### **10.3.2 Motion to Clear the Floor**

This motion may be made by the Chairperson or a Board member at any time procedural matters have become sufficiently confused. If the motion to clear the floor has been adopted, it shall clear the floor of all motions as though they have been withdrawn. The motion shall not be subject to debate nor, if adopted, to reconsideration.

### **10.3.3 Motion to Reconsider**

A motion to reconsider shall be in order on any question the Board has decided except for a motion to clear the floor. The motion to reconsider shall be in order only on the same day as the vote to be reconsidered was taken. The motion to reconsider shall be made only by a member who voted with the prevailing side.

### **10.3.4 Appeal Ruling of the Chairperson**

Any Commissioner may appeal the ruling to the chairperson. On all appeals receiving a second, the question shall be, "Shall the decision of the Chairperson stand as the decision of the County Board?"

### **10.3.5 Division of Question**

If a pending main motion (or an amendment to it) contains two or more parts capable of standing as separate questions, the Board can vote to treat each part individually in succession. Such a course is proposed by the motion for division of a question.

### **10.3.6 Withdrawal or Modification of Motion by the Maker**

The Chairperson shall accept a "friendly amendment" of a motion when the following two requirements are met -- first, there is an agreement between the member who made

the motion and the member who seconded the motion and second, no other member objects to the friendly amendment. If these two requirements are not met, then the requirements stated in the below two paragraphs of this Rule 10.3.6 shall be followed.

Once a motion has been made, the member who made it may withdraw or modify the motion at any time prior to when the Chairperson states the motion. After the motion has been stated by the Chairperson, the mover must ask permission to withdraw the motion. Upon the making of such a request, the Chairperson shall announce: “Unless there is objection [pause] the motion is withdrawn.” If there is an objection, any other Commissioner can move that permission to withdraw be granted, and no second is required. A request for permission to withdraw a motion, or motion to grant such permission, can be made at any time before voting on the question has begun, even though the motion has been since modified. Any Board member can suggest that the maker of a motion ask permission to withdraw it, which the maker can do or decline to do, as he chooses. After a motion has been withdrawn, the situation is as though it had never been made; therefore, the same motion can be made again at the same meeting.

To modify a motion after it has been stated by the Chairperson, the maker asks Permission to do so, as in the case of withdrawal of a motion. If there is no objection, the Chairperson states the question on the modified motion. If anyone objects, and amendment is otherwise proper, the modification must be approved by a majority vote of those members present. The amendment requires a second if moved by the member who originally made the request.

#### **10.3.7 Motion to Lay on the Table**

A motion to lay on the table may be made by the Chairperson or any other Commissioner at any time prior to a vote on the main motion. A second is required and the motion requires a majority present to approve. If the motion to lay on the table is approved, consideration of the main motion is suspended temporarily without setting a time for resuming its consideration, but with the provision that it can be taken up again whenever a majority so decides.

#### **10.3.8 Motion to Take from the Table**

A motion to take from the table may be made by the Chairperson or any other Commissioner to reconsider a main motion that has been laid on the table. A second is required and a motion to take from the table must be approved by a majority present. A question that has been laid on the table remains there and can be taken from the table during the same session, or at the next session after it was laid on the table. If not taken from the table within these time limits, the question dies, although it can be renewed at a later date.

#### **10.3.9 Motion to Amend; Secondary Amendments; No Tertiary Amendments**

A motion to amend a main motion, called a “primary amendment,” takes precedence over the main motion. Any Commissioner may move to amend a main motion so long as they have the floor. A second is required. Amendments must be germane to the main motion, that is, it must in some way involve the same question that is raised by the motion to which it is applied. The Chairperson shall rule out of order any proposed motion to amend that is not germane.

A motion to amend an amendment to a main motion is called a “secondary amendment” and shall take precedence over a main motion or primary amendment. A secondary amendment also requires a second. A secondary amendment cannot be amended. Only one primary and one secondary amendment are permitted at a time, but any number of each can be offered in succession—so long as they do not again raise questions already decided.

#### **10.3.10 Motion to Postpone Indefinitely**

A motion to postpone indefinitely is a motion that the assembly decline to take a position on the main motion, and is in order only when the main motion is pending. Its adoption kills the main motion (for the duration of the session) and avoids a direct vote on the question. A motion to postpone indefinitely requires a second and a majority present to approve. An affirmative vote on the motion to postpone indefinitely can be reconsidered. A negative vote on it cannot be reconsidered.

#### **10.3.11 Motion to Rescind**

A member who makes a motion to rescind something previously adopted must provide prior notice of the intent to present such a motion either at: (1) a previous Board meeting so long as that meeting was within 90 days of the meeting where a vote on the Motion to Rescind is to occur, or (2) no less than seven days prior to the meeting where a vote on the Motion to Rescind is to occur. If the member fails to provide such pre-meeting notice, then the vote required to rescind is two-thirds of those members elected and serving at the meeting where the motion to rescind is voted upon.

#### **10.3.12 Order of Precedence of Motions**

Only one motion may be pending at one time. Generally, a main motion yields to all secondary motions. Secondary motions shall take precedence in the following order:

1. Fix the Time to Which to Adjourn
2. Adjourn
3. Recess
4. Raise a Question of Privilege
5. Call for the Orders of the Day
6. Lay on the Table (To interrupt the pending business so as to permit doing something else immediately)
7. Previous Question (Immediately to close debate and the making of certain motions)

8. Limit or Extend Limits of Debate
9. Postpone to a Certain Time
10. Commit
11. Amend
12. Postpone Indefinitely
13. Main Motion

## **11. VOTING**

### **11.1 Roll call Votes**

The names and votes of Commissioners shall be recorded on Board actions to adopt final measures as ordinances or appointment or election of officers. The Chairperson or any Commissioner may request a roll call vote be taken on a particular item.

### **11.2 Votes Required**

Procedural and other questions arising at a meeting of the Commissioners, except for those decisions required by statute or Board Rule to have a higher authority, shall be decided by a majority of the members present. A majority of the members elected and serving, however, shall be required for final passage or adoption of a measure, resolution, or the allowance of a claim.

### **11.3 Measures Requiring Two-Thirds (2/3 (5)) Vote of Members Elect**

The following actions of the Board shall require a two-thirds (2/3 (5)) vote of the members elected and serving:

- Final passage or adoption of an item after the Board of Commissioners approves the proposed agenda. [MCL 46.3].
- Removal of the County seat. [MCL 46.17].
- Removal from office of a County officer who refuses or neglects to make a report under oath to the Board or to give a bond reasonable or necessary for the performance of the duties of the office. [MCL 46.11(k)].
- To rescind a prior Board action when pre-meeting notice is not provided in compliance with Rule 10.3.11.
- To meet in closed session for any of the reasons noted in Rule 15. Any other matter requiring a 2/3 (5) vote by law.

### **11.4 Measures Requiring Majority Vote of Members Elected and Serving**

The following actions of the Board shall require a majority vote of the members elected and serving:

- Final passage or adoption of any measure or resolution. [MCL 46.3(2)]
- Final passage of an ordinance. [MCL 46.11(j)]

Allowance of any claim against the County. [MCL 46.3(2)]  
Adoption of an annual budget. [MCL 46.3(2)]  
Adoption or amendment of these Rules. [RONR 10<sup>th</sup> ed., p 573]  
Appointment of Road commissioners. [MCL 224.6]  
Appointment of Civil Counsel. [MCL 49.71]  
Election of the Chairperson and Vice-chairperson of the board.  
Any other matter which by law requires a majority vote of members elected and serving.

## **11.5 Measures Requiring Three-Fourths (3/4 (6)) Vote of Members Seated and Serving**

Contract between the County and County Employees or Officials.

### **11.6 Method of Voting [MCL 46.3a]**

Members of the Board of Commissioners must be physically present at a meeting to vote on an action taken by the Board of Commissioners or by a committee of the Board of Commissioners. Members are not permitted to vote by telephone or by means of video conferencing. The names and votes of members shall be recorded on an action taken by the Board of Commissioners or by a committee of the Board of Commissioners if the action is on an ordinance or the appointment or election of an officer. The vote and the name of the member voting on other questions or motions shall be recorded at the request of 1/5 of the members present if the question or motion is before the Board, or 1/3 of the members present if the question or motion is before a committee of the Board. A record that is made pursuant to this section shall be available for public inspection. All other measures shall be voted by voice vote. If a commissioner present does not respond to the call for the voice vote, his or her vote shall be recorded as an affirmative vote, unless good cause is shown for abstaining. If there is abstention or a nay vote, there shall be a roll call vote.

### **11.7 Procedure for Conducting Roll Call Vote**

All roll call votes shall be conducted in accordance with the following procedures:

Prior to the first meeting of the Board in each odd numbered year, the County Clerk shall prepare four lists of the members of the Board in the following sequences, provided however, that the name of the Chairperson shall appear as the final name on each of the four lists: (1) alphabetical order; (2) reverse alphabetical order; (3) by district number; and (4) by reverse district number. The County Clerk shall randomly mix the four (4) different lists prior to each meeting of the Board. For each roll call vote at each meeting of the Board, the County Clerk shall proceed to select one list and call the roll in descending order in which the members appear on that list for all roll calls at that meeting.

### **[MCL 46.3 and 46.3a]**

## **12. RULES OF PROCEDURE; APPEAL**

### **12.1 Questions of Procedure Not Covered by Standing Rules**

The rules contained in the latest edition of Robert's Rules of Order Newly Revised shall govern in all cases to which they are applicable and in which they are not inconsistent with these rules and any special rules of order the board may adopt.

### **12.2 Appeal**

The Board as a whole, not the Chairperson, is the final authority in judging whether these rules have been violated. A Board member who disagrees with a ruling by the Chairperson may appeal the ruling to the Board as a whole. Without waiting to be recognized, a member wishing to appeal the ruling shall say, "I appeal from the decision of the Chairperson." An appeal requires a second. The appeal may be debated, however, unlike other motions, each member may speak only once. The Chairperson may speak in debate twice, the first time in preference over other members and the second time to close debate. An appeal is stated and put to a vote as "Shall the decision of the Chairperson be sustained?" It requires a majority vote in the negative to overturn the chair's ruling. A tie sustains the decision of the Chairperson, and loses the appeal.

**[RONR (10<sup>th</sup> Ed), pp 247-252]**

## **13. COMMITTEES**

Each committee shall thoroughly investigate any matter referred to it by the Board or Board Chairperson and shall report in writing the findings to the Board without undue delay. Upon the motion of any Board member, and approval by a majority of the Board, the Board may discharge a committee from further consideration of any matter.

### **13.1 Special Committees**

The Board may create such special or advisory committees as it deems necessary or appropriate. Special or advisory committees shall automatically expire on December 31<sup>st</sup> of the year in which they are created unless a different term is specified in the resolution establishing the special or advisory committee, such as until a date certain, or until completion of the appointed task. The term of a special or advisory committee may be extended by the Board. The terms of all members of a special or advisory committee shall automatically expire upon the termination of the special or advisory committee. Special or advisory committees may consist, in whole or in part, of persons who are not Board members. Members of special committees shall be made by the Board Chairperson subject to Board approval.

### **13.2 Open Meetings Act**

Meetings of all committees of the Board of Commissioners shall conform to the requirements of the Open Meetings Act.

### **13.3 Rules of Order**

The rules of order adopted by the Board of Commissioners, to the extent that they are applicable, shall govern all matters of procedure related to committees.

## **14. APPOINTMENTS TO OTHER BOARDS, COMMISSIONS AND AUTHORITIES.**

### **14.1 Appointments of Commissioners to Other Boards, Commissions and Authorities**

Appointment of Commissioners to other boards, commissions and authorities shall be made by the Chairperson at the organizational meeting and ratified by a majority of the Board elected and serving.

### **14.2 Vacancies on Other Boards, Commissions and Authorities.**

Whenever there shall arise the need to make an appointment to other boards, authorities or commissions, the Chairperson shall appoint an ad hoc committee to review applications for the position and make recommendations for the appointment to the full Board. All appointees to other boards, authorities and commissions shall be ratified by the Board. However, appointment to the Road Commission and Health and Human Services Board shall be made by the full Board.

## **15. CLOSED SESSIONS**

### **15.1 Motion for Closed Session**

The vote to hold a closed session meeting shall be recorded in the minutes of the meeting at which the motion was made.

### **15.2 Two-thirds Vote (5 members)**

The Board of Commissioners may meet in closed session, closed to the members of the public, upon the motion of any Board member and a roll call vote approval by two-thirds (5) of the Board members for the following purposes:

To consider the purchase or lease of real property, until an option to purchase or lease that property is obtained. To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the county board. To meet with an attorney to consider the attorney's written opinion. To review the specific contents of an application for employment to a County position and the applicant requests that the application remain confidential. Whenever the Board meets to interview an applicant, it shall be in open session.

### **15.3 Other Reasons**

The Board may also meet in closed session for the following reasons without the requirement of the two-thirds (5) vote:

To reconsider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of a public officer, employee, staff member, or individual agent if the named person requests a closed hearing. If the person rescinds his/her request for a closed hearing the matter at issue shall thereafter be considered only in open public meeting. To consider strategy connected with the negotiation of a collective bargaining agreement.

### **15.4 Attendance, Closed Session**

A member of the Board of Commissioners must be physically present at a meeting in order to attend a Closed Session. A member may not attend a closed session by telephone or by means of video conferencing.

### **15.5 Minutes, Closed Session**

For each closed session, the County Clerk shall make a separate record of the topics discussed. This record shall not be disclosed to the public except upon the order of a court. The County Clerk may destroy the minutes after one year and one day have passed after the meeting at which the approved minutes of the meeting at which the board voted to hold the executive meeting.

[MCL 15.267; *Booth Newspapers v City of Wyoming* (425 NW2d 695)].

## **16. COMPENSATION**

The Board shall by budget resolution fix the compensation, per diem, mileage reimbursement, retirement, health benefits and allowed expenses of members of the Board of Commissioners and its committees. The Board shall also establish a per diem policy setting forth the appropriate guidelines for per diem payments. Changes in compensation shall become effective only after the time members of the Board commence their terms of office after a general election, provided that it is voted upon before the commencement of the new terms of office. This rule shall not be construed to prohibit a structured change in compensation implemented in phases over the term of office.

[MCL 46.415; 1977-1978 OAG 81].

## **17. AMENDMENT TO AND EFFECTIVE DATE OF THESE RULES**

These Rules may be amended, suspended, or rescinded only if approved by at least a majority of the Commissioners elected and serving. These Rules shall remain in effect

until rescinded or amended. Any amendment to these Rules shall take immediate effect unless otherwise stated by the Board at the time of adoption.



## Action Request

|                    |                               |                      |   |
|--------------------|-------------------------------|----------------------|---|
| Meeting Date:      | March 6, 2019                 |                      |   |
| Department:        | Administration                | Submitted By:        | Chris Forsyth   |
| Contact E-Mail:    | cforsyth@grandtraverse.org    | Contact Telephone:   | 922-4780  |
| Agenda Item Title: | Amendments to Per Diem Policy |                      |   |
| Estimated Time:    | 10 minutes<br>(in minutes)    | Laptop Presentation: | <input type="radio"/> Yes <input checked="" type="radio"/> No |

### Summary of Request:

Commissioner Hentschel requested Administration to prepare two amendments to the Per Diem Policy. The first, is to remove the requirement that requests for per diem must be submitted within 30 days of the meeting for which the requests are related. The second requested amendment is, include a requirement that all per diem requests from a previous year must be submitted no later than January 31st of the following year. The proposed amendments are attached for the Board of Commissioners review and approval .

### Suggested Motion:

RESOLVED. the Board of Commissioners approve amendments to the Grand Traverse County Policy as prepared and presented by Administration.

### Financial Information:

|             |  |                    |  |                     |   |
|-------------|--|--------------------|--|---------------------|---|
| Total Cost: |  | General Fund Cost: |  | Included in budget: | <input type="radio"/> Yes <input checked="" type="radio"/> No |
|-------------|--|--------------------|--|---------------------|---|

If not included in budget, recommended funding source:

This section for Finance Director, Human Resources Director, Civil Counsel, and Administration USE ONLY:

|   |           |      |
|---|-----------|------|
| Reviews:  | Signature | Date |
| Finance Director  |           |      |
| Human Resources Director  |           |      |
| Civil Counsel   |           |      |
| Administration: <input checked="" type="checkbox"/> Recommended | Date:     |      |

Miscellaneous:

### Attachments:

Attachment Titles:

Traverse Area District Library Member Selection Policy

**R E S O L U T I O N**  
**XX-2019**  
**Amendments to Per Diem Policy**

WHEREAS, The Grand Traverse County Board of Commissioners met in regular session on March 6, 2019, and reviewed request to prepare two amendments to the Per Diem Policy; and,

WHEREAS, The first amendment is to remove the requirement that requests per diem to be submitted within 30 days of the meeting for which the request is related; and,

WHEREAS, the second amendment includes a requirement that all per diem requests from a previous year must be submitted no later than January 31<sup>st</sup> of the following year; and,

WHEREAS, the proposed amendments are included in the revised per diem policy attached; and,

NOW THEREFORE BE IT RESOLVED THAT THE Grand Traverse County Board of Commissioners approve the revised per diem policy attached hereto and hereby becoming a part of the resolution effective this date.

APPROVED: March 6, 2019

**POLICY FOR PER DIEM**  
**[IN ACCORDANCE WITH MCL 45.411 AND MCL 46.415]**

**(Amended and Approved March 6, 2019)**

Members of the County Board of Commissioners and members of all committees, boards, commissions or authorities appointed by the Board of Commissioners, and County employees shall be compensated for their attendance at meetings in accordance with the following policy:

**1. County Commissioners**

- a. County Commissioners are eligible for per diem for special county board meetings, committee meetings, and authority or commission meetings of which they are a member or to which they have been assigned by the Board. Per diem is not allowed for attending monthly board meetings or for any event of a ceremonial nature i.e. ribbon cuttings, grand openings, meetings with constituents or similar events. The Board defers the judgment of per diem qualification to the individual commissioners.
- b. County Commissioners are eligible for per diem for meetings of local units of government (city, village, township, and charter townships) within their district.
- c. County Commissioners are eligible for per diem for meetings, seminars, conferences, and tours of an informational or educational nature which have a direct relationship to County Commission duties.
- d. County Commissioners are also eligible for per diem for other meetings not set forth in the above paragraphs 1 through 3, when per diem is deemed appropriate as determined by the individual County Commissioner who is seeking per diem compensation.
- e. Per diem is set at \$35.00 per meeting. All day conferences will be \$70.00.

**2. Committee, Board, Commission and Authority Members Other than County Commissioners**

- a. Members of all boards, commissions, authorities, and committees established by the Board of Commissioners, other than Commissioners, shall be entitled to the approved per diem (*if eligible to receive a per diem as determined by the statutes or by-laws of that board*) in accordance with an approved per diem schedule, and in all cases shall be entitled to mileage to and from any meeting in the amount listed in the County Travel Policy.
- b. For the purposes of this Section, a meeting is limited to any regular or special meeting as defined in the Bylaws or a meeting called by the chairman of the board, commission, authority, special or advisory committee at the regular location of the board, commission, authority, special or advisory committee or any meeting of a committee or subcommittee and any assignment given to a member by the chairman if at a location other than the place where a meeting is customarily held.
- c. Per diem is set at \$35.00 per meeting. All day conferences will be \$70.00.

**3. Exclusion from Compensation, Employees, Other County Officials**

County officials, other than members of the Board of Commissioners, and County employees who serve on a board, commission, or committee established by the Board of Commissioners are entitled to mileage and necessary expenses for attending meetings of the board, commission, or committee. However, no per diem shall be allowed for such attendance unless required by law or approved by the Board of Commissioners.

**4. Compensation Procedure**

- a. The following process is established for payment of compensation for boards, commissions, special or advisory committees, including the Board of Commissioners.

b. Members eligible to receive compensation must complete and submit a meeting compensation form to the County Office that provides support for their Board, ~~within 30 days of the meeting for which they are requesting per diem, effective July 1, 2014.~~ **All per diem** requests from a previous year must be submitted no later than January 31<sup>st</sup> of the following year.

The County Board of Commissioners will submit their meeting compensation form to the administrator's office on a monthly basis. The administrator's office shall be responsible for assuring that all necessary paperwork has been completed and is in order.

c. All county offices that provide support for boards & committees shall submit the meeting compensation form to the Finance Department to prepare the information for the Audit Committee which shall approve or deny the requested per diem, mileage or necessary expenses, subject to final approval by the Board of Commissioners.

d. If approved by the Board of Commissioners, the Finance Department shall make payment.

#### **5. List of Boards, Commissions, Authorities, Special or Advisory Committees Eligible for Per Diem**

A current list of boards, commissions, authorities, special or advisory committees and a current list of members eligible to receive per diem shall be made by the Board of Commissioners at the time when the per diem rates are set. The two lists shall be retained by the County Administrator (and/or Finance Director) and the County Clerk. The lists established by the Board of Commissioners may be revised at any time by action of the Board of Commissioners.

#### **6. Application of Policy**

This policy is not intended to affect in any way the regular compensation (wages, health and retirement benefits) of Members of the Board of Commissioners.

#### **7. Rescind and Replace All Prior Versions of this Policy**

Upon final approval of this amended policy, all previous versions will be rescinded immediately.