



BOARD OF COMMISSIONERS

1 S. Main St., 9th Floor
Mount Clemens, Michigan 48043
586.469.5125 FAX 586.469.5993
macombcountymi.gov/boardofcommissioners

BOARD OF COMMISSIONERS

REGULAR SESSION WITH A SPECIAL AGENDA

THURSDAY, JUNE 28, 2012, 8 A.M.

SPECIAL FINAL AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Adoption of Agenda, **AS AMENDED, TO INCLUDE #7**
5. Public Participation (five minutes maximum per speaker, or longer at the discretion of the Chairperson related only to issues contained on the agenda)
6. Adopt Resolution Authorizing Publication of Notice of Intent to Issue Revenue (**page 1**) (**mailed**)
Bonds for the Macomb County Wastewater Disposal District and Notice of Right of Referendum on Issuance of the Bonds (**waived by Finance Committee Chair**)
7. Authorize County Clerk to Hire Judicial Court Clerk Retiree as Temporary (**page 6**) (**attached**)
Employee (**waived by Justice & Public Safety and Finance Committee Chairs**)
8. New Business
9. Public Participation (five minutes maximum per speaker or longer at the discretion of the Chairperson)
10. Roll Call
11. Adjournment

MACOMB COUNTY BOARD OF COMMISSIONERS

Kathy D. Vosburg
District 8
Chair

Marvin E. Sauger
District 2
Vice Chair

Fred Miller
District 9
Sergeant-At-Arms

Toni Mocerì - District 1

David Flynn - District 4

James L. Carabelli - District 6

Roland Frascchetti - District 10

Bob Smith - District 12

Phillip A DiMaria - District 3

Ray Gralowski - District 5

Don Brown - District 7

Kathy Tocco - District 11

Joe Sabatini - District 13

RESOLUTION NO. _____ FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO adopt a resolution authorizing the publication of the Notice of Intent to issue revenue bonds for the Macomb County Wastewater Disposal District and Right of Referendum on the question of the issuance of bonds

INTRODUCED BY: Don Brown, Chair, Finance Committee

***THIS ITEM WAS WAIVED TO FULL BOARD BY THE FINANCE COMMITTEE CHAIR**

COMMITTEE/MEETING DATE
Full Board* 6-28-12



Anthony V. Marrocco
Public Works Commissioner
Macomb County

June 15, 2012

Peter Provenzano
Macomb County Finance Director
Macomb County Building
Mount Clemens MI 48043

Re: Macomb County Wastewater Disposal District Bonds

Dear Mr. Provenzano:

The Office of County Executive and Board of Commissioners are requested to approve the attached resolution authorizing the publication of a notice of intent to issue revenue bonds and right of referendum on the question of the issuance of the bonds.

The bonds are for a project known as the Macomb County Wastewater Disposal District-Sewerage Metering Facility Rehabilitation/ Repair Project. The purpose of the project is to replace and repair a system of badly deteriorating sewage meters at a not to exceed cost of \$10.615 million.

Time is of the essence because of the need to satisfy the 45 day right of referendum period before August 27, 2012, which is the date set by the Michigan Department of Environmental Quality to approve the sale of bonds this year under its State Revolving Fund (SRF) program. To meet that deadline, we must have the approval of the County Executive and Board of Commissioners and publish the notice by July 3, 2012.

Your assistance in processing this request is appreciated.

Sincerely,

William Misterovich
Chief Deputy
Macomb County
Public Works Commissioner

RESOLUTION OF THE MACOMB COUNTY BOARD OF COMMISSIONERS
AUTHORIZING THE PUBLICATION OF THE NOTICE OF INTENT
TO ISSUE REVENUE BONDS FOR THE MACOMB COUNTY WASTEWATER DISPOSAL
DISTRICT AND NOTICE OF RIGHT OF REFERENDUM
ON THE ISSUANCE OF THE BONDS

WHEREAS, on February 14, 1966, the Macomb County Board of Commissioners by Resolution 850 established the Macomb County Wastewater Disposal District (the "District") pursuant to Public Act 342 of 1939, MCL 46.171 *et seq.*; and

WHEREAS, it has been determined that the District requires certain improvements relating to metering facilities, consisting of construction of three sewerage metering facilities, including replacing 48" to 54" influent and effluent sewers, associated structures, access and safety improvements, and adding new electrical systems and components and the rehabilitation of fifteen sewerage metering facilities including an applied surface concrete membrane system, internal piping system repairs, access and safety improvements, and adding new electrical systems; and

WHEREAS, the cost of the improvements, including engineering, other professional and administrative services, and the costs of issuance of bonds, will be financed by Macomb County through the issuance of revenue bonds pursuant to the Revenue Bond Act of 1933, as amended, Public Act 94 of 1933, MCL 141.101 *et seq.* ("Act 94") in an amount not to exceed \$10.615 million (the "Bonds"); and

WHEREAS, the primary source of revenues to pay the principal of and interest on the Bonds will be rates and charges assessed against users of the District; and

WHEREAS, it is anticipated that the Bonds will be secondarily secured by a limited tax full faith and credit of Macomb County as may be authorized pursuant to a separate resolution of this Commission; and

WHEREAS, Act 94 requires the publication of a "Notice of Intent" which would provide the electors of the Macomb County a 45 day referendum period with respect to the issuance of the Bonds; and

WHEREAS, this Resolution would authorize the publication of the Notice of Intent.

NOW THEREFORE, be it resolved by this Commission on this _____ day of _____, 2012 as follows:

1. The publication of the Notice of Intent, generally in the form attached hereto as Attachment A, in a newspaper which has general circulation in Macomb County is hereby authorized with such insubstantial modifications as recommended by the law firm of Bodman PLC.
2. This Resolution shall become effective immediately upon its passage.

THE REVENUE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH VOTE SIGNED BY NOT LESS THAN 10% OR 15,000 OF THE REGISTERED ELECTORS OF MACOMB COUNTY, WHICHEVER IS LESS, IS FILED WITH THE COUNTY CLERK WITHIN 45 DAYS AFTER PUBLICATION OF THIS NOTICE. If such a petition is filed, the Revenue Bonds cannot be issued without an approving vote by a majority of qualified electors of Macomb County voting on the question.

Additional Information with respect to the above described Revenue Bonds, the Macomb County Wastewater Disposal District, the rates and charges to be assessed against the users of the District, the Project, the financing thereof, and any other matters relating to the foregoing may be obtained from William Misterovich, Chief Deputy Macomb County Public Works Commissioner, 21777 Dunham Road, Clinton Township, MI 48036.

This Notice is given pursuant to the requirements of Section 33 of Act No. 94, Public Acts of Michigan, 1933, as amended.

By: Peter M. Provenzano
Finance Director
Macomb County, Michigan

Dated: _____, 2012

ATTACHMENT A

NOTICE TO THE ELECTORS, TAXPAYERS AND OTHER INTERESTED PERSONS OF MACOMB COUNTY AND TO USERS OF THE MACOMB COUNTY WASTEWATER DISPOSAL DISTRICT OF THE INTENT OF MACOMB COUNTY TO ISSUE MACOMB COUNTY WASTEWATER DISPOSAL DISTRICT REVENUE BONDS PAYABLE FROM THE RATES AND CHARGES FOR SEWAGE DISPOSAL SERVICES ASSESSED BY MACOMB COUNTY AGAINST THE USERS OF THE MACOMB COUNTY WASTEWATER DISPOSAL DISTRICT AND THE RIGHT OF REFERENDUM RELATING THERETO

Please Take Notice that Macomb County, Michigan, intends to issue and sell its Macomb County Wastewater Disposal District Revenue Bonds, pursuant to Act No. 94, Public Acts of Michigan, 1933, as amended, in an aggregate principal amount not to exceed ***\$10.615 million*** (the "***Revenue Bonds***"). The Revenue Bonds will be issued to finance the acquisition, construction, installation and equipping of improvements to the metering facilities of the Macomb County Wastewater Disposal District (the "Project"), and related engineering, other professional and administrative services, and issuance costs for the Revenue Bonds.

SOURCE OF PAYMENT OF REVENUE BONDS

The principal of and interest on the Revenue Bonds shall be primarily payable from the rates and charges for sewage disposal services assessed against the users of the Macomb County Wastewater Disposal District. It is anticipated that the Revenue Bonds will be secondarily secured by the limited tax full faith and credit pledge of Macomb County, as may be authorized pursuant to a resolution of the County Commission.

BOND DETAILS

The Revenue Bonds will be payable in principal installments as determined by the Finance Director of Macomb County, with the final installment due not more than 30 years after the original date of the Revenue Bonds. The Revenue Bonds will bear interest at the rate or rates to be determined upon the sale thereof, but in no event to exceed 5% per annum or such higher maximum rates permitted by law.

RIGHT OF REFERENDUM

THE REGISTERED ELECTORS OF MACOMB COUNTY HAVE THE RIGHT TO FILE A PETITION FOR REFERENDUM UPON THE QUESTION OF THE ISSUANCE OF THE REVENUE BONDS DESCRIBED IN THE FIRST PARAGRAPH OF THIS NOTICE.

RESOLUTION NO. _____ FULL BOARD MEETING DATE: _____
AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO:

AUTHORIZE THE COUNTY CLERK TO HIRE DIANE BOSS, A JUDICIAL COURT CLERK RETIREE WHO RETIRED IN 2012, AS A TEMPORARY EMPLOYEE FOR THE CLERK'S CIRCUIT COURT SECTION FOR A PERIOD OF UP TO 120 DAYS, PER COUNTY CHARTER SECTION 10.6.2, AT A COST NOT TO EXCEED \$12,500. FUNDING IS AVAILABLE IN 10121501 - 70200.

INTRODUCED BY: Commissioner Phillip DiMaria, Chair, Justice and Public Safety Committee

Background is attached.

*This was waived to Full Board by Chairs of JPS and Finance Committees.

COMMITTEE/MEETING DATE:

Special Full Board 06/28/12*

BACKGROUND:

Macomb County Clerk/Register of Deeds Carmella Sabaugh is requesting a temporary court clerk be hired for the Macomb County Clerk / Register of Deeds circuit court section for a period of 120 days, starting as soon as possible. Sabaugh is known for improving service and saving money through the use of innovative technology, but there are times when no amount of technology can replace well-trained staff.

The reason this help is needed is the result of a position shortage, the time required to fill vacancies, and because the clerk's circuit court staff has no overtime budget. Out of 19 budgeted positions, the court has only 15 judicial court clerks to staff 13 courtrooms in addition to first floor processing duties.

The Chief Court Clerk already notified staff that previously approved vacations may be cancelled. Assigning qualified temporary staff to the clerk's circuit court section would prevent this and address our need. The judicial court clerk position requires Commission approval per the County Charter because the person trained and able to fill the position retired within the last year.

The office has 19 budgeted judicial court clerk positions to staff 13 judges in the courtrooms and to accept motions and process documents on the first floor. Clerks are needed even while judges are conducting training or are on vacation because visiting judges continue the dockets. The 6 judicial court clerks who are not permanently assigned to a courtroom have full-time duties on the first floor of the clerk's office, such as accepting motion filings, logging data into the computer system, updating criminal histories and driver's license abstracts, etc., in addition to swinging up to the courtrooms as needed.

Out of the 19 budgeted judicial court clerk positions there will be five vacancies due to retirement, promotions, medical leave, processing prosecutor's electronic dispositions (which is good for the system overall, but more labor intensive for clerks) and the need to full-time staff a probate judge who was relocated to the Court Building by the Chief Judge; the staff shortage is also the result of a 20% staff reduction since 2008, which is 20 positions. The remaining judicial court clerks also must devote significant time to training the new clerks, which reduces the normally high clerk staff productivity.

The most logical choice to fill the judicial court clerk positions on a temporary basis, until the full-time positions can be filled, is to hire retired judicial court clerks, or existing clerk's office computer maintenance clerks, because they have already worked in the system. Judicial court clerk positions are difficult to fill because they require specialized court training on the Maximus CourtView computer system, usually 90 days, and prior experience with our circuit court operation.

To resolve this staff shortage for the court, the clerk wishes to hire a temporary court clerk as soon as possible for a period of 120 days. The county clerk feels this would provide adequate time for the Human Resources Department to post and fill the judicial court clerk vacancies, and for training of those employees promoted or newly hired.

One judicial court clerk, Diane Boss, retired within the last year; hiring her would require Commission action per the Charter in order to return because the Charter (see attached) requires Executive and Commission approval before anyone may return who retired within the year. If retired court clerks could not fill the vacancies, then the clerk would like to put computer maintenance clerks out of class into the judicial court clerk positions and use temporary employees to fill the vacancies of the computer maintenance clerks in the clerk's first floor operation.

Attached is a copy of the circuit court dashboard (a Google Spreadsheet) which the supervisors and staff use to track the 30+ daily staff functions in the circuit court.

Also attached is documentation that the Office of County Executive and Chief Judge David Viviano have approved this request

Section 10.6 Effect of Removal, Resignation, or Retirement

10.6.1 A person who has been removed from office pursuant to this Charter or state law, or who has resigned from office after a petition for recall has been filed with the County Clerk, or in anticipation of disciplinary action, or after a complaint or investigation has been received or undertaken by the Ethics Board, is not eligible to be elected or appointed to any County office for 2 years after such removal or resignation.

10.6.2 No full-time employee who has retired from County service shall be re-employed in the same capacity, whether by contract or otherwise, within 1 year after the person's retirement benefit commences, unless:

- (a) An applicable collective bargaining agreement specifically allows for such return;
- (b) The individual returns pursuant to a deferred retirement option program contract;
or
- (c) The Executive recommends and the Commission approves the re-employment.

Section 10.7 Public Defender

The creation of an office of Public Defender is authorized.

Section 10.8 Additional Functions or Services

The County may perform any function or service, and establish or maintain any facilities, not prohibited by law which are necessary or beneficial to the public health, safety, and general welfare of the County. However, powers granted solely by this Charter may not be exercised by the County in a local unit of government which is exercising a similar power without the consent of the local legislative body.

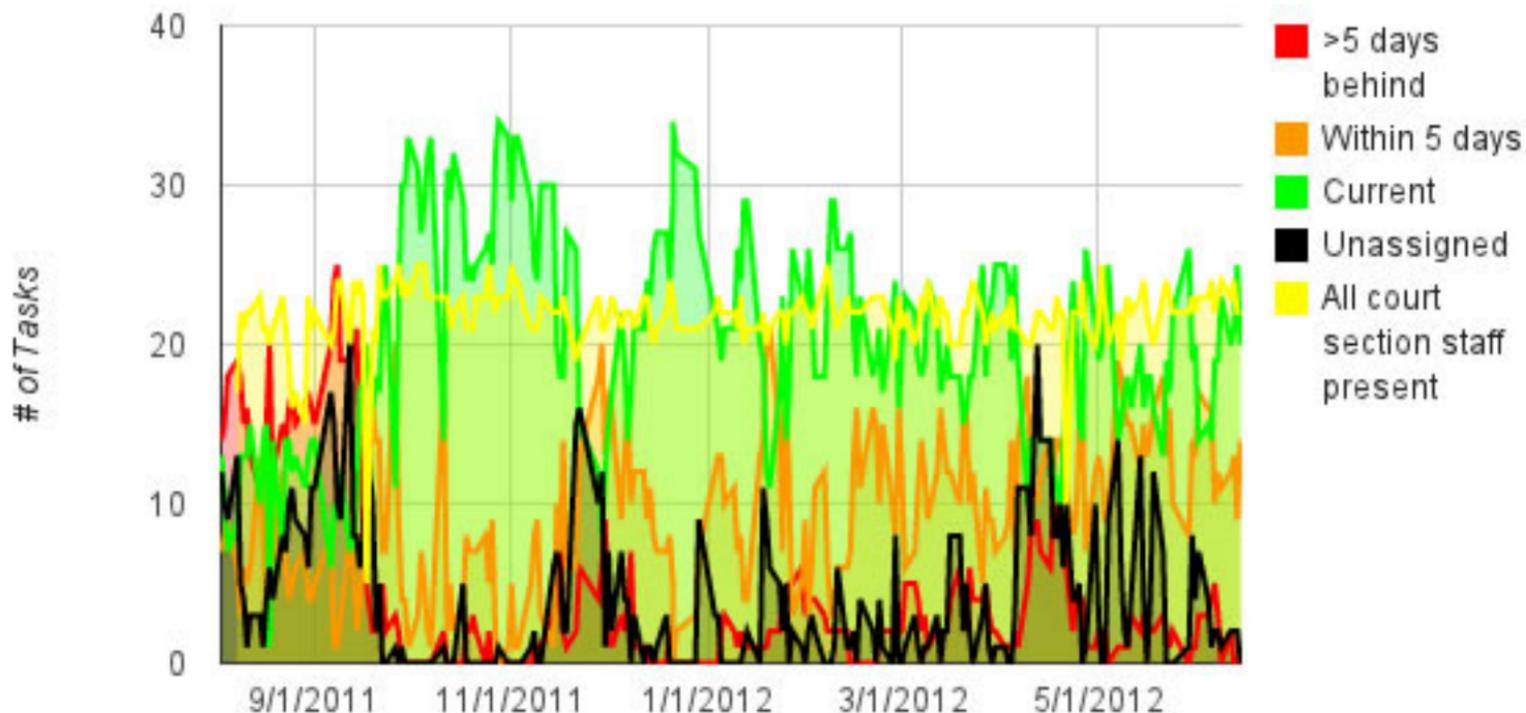
Section 10.9 Economic Development

The County may create and implement economic development programs, including: (1) the provision of grants for capital development, job creation, and the retention of jobs and capital; (2) the granting of tax abatements; (3) the provision of other incentives for private development; and (4) the exercise of any other power provided by law. The County Executive shall administer economic development programs, in coordination with the Director of Planning and Economic Development, pursuant to an ordinance adopted by the Commission or as provided by law.

Section 10.10 Oath of Office

The Countywide Elected Officials and Commissioners shall take and subscribe to the oath as provided in Section 1 of Article 11 of the Constitution before entering upon the duties of office.

Court Section Progress from "Staff and Duties" data





Todd Schmitz <todd.schmitz@macombgov.org>

Clerk request for temp court workers letter to Exec

Mark Deldin <deldin@macombgov.org>
To: Todd Schmitz <todd.schmitz@macombgov.org>
Cc: Eric Herppich <eric.herppich@macombgov.org>

Thu, Jun 14, 2012 at 2:48 PM

Todd,
Your request is approved by the OCE.

Mark F. Deldin
Deputy Macomb County Executive
One South Main St, 8th Floor
Mount Clemens, MI 48043
Phone [586-469-7001](tel:586-469-7001)
Fax [586-469-7257](tel:586-469-7257)
E-mail deldin@macombgov.org

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Thank you.

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