CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ADOPTION OF AGENDA

PUBLIC PARTICIPATION (five minutes maximum per speaker, or longer at the discretion of the Chairperson related only to issues contained on the agenda)

CORRESPONDENCE FROM THE EXECUTIVE (pgs 1, 2) (attached)

RESOLUTIONS:

a) Override the County Executive’s veto of Ordinance 2013-2, “An Ordinance Establishing Budget Requirements” (pg 3) (attached)

b) Override the County Executive’s veto of Ordinance 2013-3, “An Ordinance Requiring Additional Information in Quarterly Financial Reports” (pg 4) (attached)

NEW BUSINESS

PUBLIC PARTICIPATION (five minutes maximum per speaker or longer at the discretion of the Chairperson)

ADJOURNMENT
June 27, 2013

The Honorable Chair and Members,
Macomb County Board of Commissioners
1 South Main Street, 9th Floor
Mt. Clemens, MI 48043

Ladies and Gentlemen:

I am in receipt of your adopted Ordinance No. 2013-2 entitled “An Ordinance Establishing Budget Requirements.” Even though this Ordinance is confusing in its wording and organization, its title and the directives included within the text of the Ordinance suggest that it is an attempt once again to assert authority not possessed by the Commission. The Charter and the Michigan Uniform Budgeting Act clearly grant my office the sole responsibility for budget preparation, which is a responsibility that I can not delegate and will not cede.

Because Ordinance No. 2013-2 attempts to assert authority that the Commission does not have, and violates the Charter and laws, the Ordinance is a nullity and is void for lack of authority. Since Ordinance 2013-2 has no force and effect and is unenforceable, it will not be followed if this veto is overridden.

Therefore, pursuant to Section 3.9 of the Macomb County Home Rule Charter, I hereby veto Ordinance 2013-2.

Sincerely,

Mark A. Hackel
Macomb County Executive
June 27, 2013

The Honorable Chair and Members,
Macomb County Board of Commissioners
1 South Main Street, 9th Floor
Mount Clemens, MI 48043

Ladies and Gentlemen:

I am in receipt of your adopted Ordinance No. 2013-3. I hereby veto the Ordinance because it exceeds the Commission’s authority under Charter Section 3.7.

Section 3.7 requires the Executive to file a report with the Commission “on the financial condition of the County at least quarterly.” The term “financial condition” is a very limited term of art under generally accepted accounting principles. The information required by the Commission in Ordinance No. 2013-3 is not “financial condition information” as defined by those principles. Because the Commission cannot impose responsibilities on the Executive Branch by ordinance that go beyond those set forth in the Charter, the requirements in Ordinance No. 2013-3 are a nullity and void for lack of authority.

Similarly, the Commission does not have the authority to require a specific format for the information that the Commission is requesting, because the preparation of the financial condition report is the sole responsibility of the Executive Branch. The Commission also has no authority to mandate a date by which a quarterly financial condition report provided for in the Charter must be submitted.

Since Ordinance 2013-3 has no force and effect and is unenforceable, it will not be followed if this veto is overridden.

Sincerely,

Mark A. Hackel
Macomb County Executive
BOARD OF COMMISSIONERS  
MACOMB COUNTY, MICHIGAN

Whereas, Section 8.6.1 of the Home Rule Charter of the County of Macomb (the “Charter”) requires the Executive’s recommended comprehensive balanced budget to “contain, at a minimum, the budget message, budget document, the proposed appropriations ordinance containing the information required by law, and any information required by the Commission, law, or ordinance;” and

Whereas, Section 14 of the Uniform Budgeting and Accounting Act, 1968 PA 2 (the “UBAA”), as amended MCL 141.434, similarly provides that the “chief administrative officer” (defined in subsection 2b(f) of the UBAA to include an elected county executive) is to transmit a recommended budget to the legislative body (defined in subsection 2d(f) of the UBAA to include a “county board of commissioners of a county”) and is to “furnish to the legislative body information the legislative body requires for proper consideration of the recommended budget;” and

Whereas, the Commission values transparency and institutional accountability for the expenditure of public funds and therefore desires to require, pursuant Charter section 8.6.1 and section 14 of the UBAA, certain additional information so the residents of Macomb County can view and understand how large expenditures are broken down and managed; and

Whereas, the Commission, on June 13, 2013, exercising its discretion under Charter section 8.6.1 and section 14 of the UBAA, adopted Ordinance 2013-2, “An Ordinance Establishing Budget Requirements,” to require that the budget and appropriations ordinances both include sufficient detail to ensure budget transparency and institutional accountability; and

Whereas, on June 27, 2013, the County Executive vetoed that ordinance; and

Whereas, the Commission believes that Ordinance 2013-2 is in the best interests of the citizens of Macomb County.

Therefore, it is resolved that the Commission hereby overrides the County Executive’s veto of Ordinance 2013-2, “An Ordinance Establishing Budget Requirements,” and the Clerk is directed to publish notice of Ordinance 2013-2 immediately.

Date: ________________, 2013

________________________________________________________________________
David Flynn, Commission Chair

________________________________________________________________________
Carmella Sabaugh, County Clerk

Adopted: ________________, 2013  
Delivered to Executive: ________________, 2013  
Notice Published: ________________, 2013
BOARD OF COMMISSIONERS
MACOMB COUNTY, MICHIGAN

Resolution No. _____
A Resolution to Override the Veto of Ordinance 2013-3,

Whereas, subsection 17(1) of the Uniform Budgeting and Accounting Act, 1968 PA 2 (the “UBAA”), as amended MCL 141.437(1), allows a county board of commissioners of a county to require its “chief administrative officer” (defined in subsection 2b(f) of the UBAA to include an elected county executive) to provide it with periodic reports on the County’s financial condition; and

Whereas, Section 3.7 of the Home Rule Charter of the County of Macomb (the “Charter”) requires the County Executive to file a report with the Commission on the financial condition of the County at least quarterly which is to include, among other things, “additional information required by ordinance or law;” and

Whereas, pursuant to the UBAA and Charter section 3.7, on June 13, 2013, the Commission adopted Ordinance 2013-3, “An Ordinance Requiring Additional Information in Quarterly Financial Reports” in order to provide continued transparency and institutional accountability with respect to the quarterly reports submitted to the Commission by the Executive; and

Whereas, on June 27, 2013, the County Executive vetoed that ordinance; and

Whereas, the Commission believes that Ordinance 2013-3 is in the best interests of the citizens of Macomb County.

Therefore, it is resolved that the Commission hereby overrides the County Executive’s veto of Ordinance 2013-3, “An Ordinance Requiring Additional Information in Quarterly Financial Reports,” and the Clerk is directed to publish notice of Ordinance 2013-3 immediately.

Date: ________________, 2013

__________________________________________
David Flynn, Commission Chair

__________________________________________
Carmella Sabaugh, County Clerk

Adopted: ________________, 2013
Delivered to Executive: ________________, 2013
Notice Published: ________________, 2013