BOARD OF COMMISSIONERS

REGULAR SESSION

THURSDAY, AUGUST 15, 2013, 7 P.M.

FINAL AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Invocation by Commissioner Kathy Vosburg
5. Adoption of Agenda, AS AMENDED, TO INCLUDE #14 (PROCLAMATION) AND #15
6. Approval of Minutes dated July 25 and August 8 (special), 2013 (previously distributed)
7. Public Participation (five minutes maximum per speaker, or longer at the discretion of the Chairperson related only to issues contained on the agenda)
8. Presentation of Tribute to Joseph Pierce (Miller)
9. Correspondence from Executive (none)
10. Report by County Medical Examiner Daniel Spitz, M.D.
11. COMMITTEE REPORTS:
   a) Infrastructure, August 13 (page 1) (attached)
12. Board Chair’s Report (page 14) (attached)

13. Adopt a Resolution Supporting the Human Services Board’s Management of the Martha T. Berry Medical Care Facility (offered by Board Chair) (referred from 8-8-13 Full Board meeting) (page 43) (attached)

14. Adoption of Proclamation:
   a) Proclaiming September 11-17, 2013 as Patriot Week and September 17th as Constitution Day in Macomb County (offered by Vosburg) (page 45) (attached)

15. Correspondence Regarding FOIA Request for Electronic Copies of Documents Related to Macomb County 2014-2016 Budget (page 46) (attached)

16. New Business

17. Public Participation (five minutes maximum per speaker or longer at the discretion of the Chairperson)

18. Roll Call

19. Adjournment
August 13, 2013

TO: BOARD OF COMMISSIONERS
FROM: JAMES CARABELLI, CHAIR
INFRASTRUCTURE COMMITTEE
RE: RECOMMENDATION FROM INFRASTRUCTURE COMMITTEE
MEETING OF AUGUST 13, 2013

At a meeting of the Infrastructure Committee, held Tuesday, August 13, 2013, the following recommendation was made and is being forwarded to the August 15, 2013 Full Board meeting for approval:

1. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Vosburg, supported by Smith, to recommend that the Board of Commissioners approve a request from Shelby Township for two easements for underground crossings of the Macomb Orchard Trail for sanitary sewer and storm water sewer connections for a detached condominium project on the north side of the Trail and Dequindre Road.

A MOTION TO ADOPT THE COMMITTEE REPORT WAS MADE BY CHAIR CARABELLI, SUPPORTED BY VICE-CHAIR SMITH.
Resolution Number:  

Full Board Meeting Date:  

RESOLUTION

Resolution to:

Approve a request from Shelby Township for two easement for underground crossings of the Macomb Orchard Trail for a sanitary sewer and storm water sewer connections for a detached condominium project on the North side of the Trail and Dequindre Road.

Introduced By:

James Carabelli, Chair, Infrastructure Committee

Additional Background Information (If Needed):

The Department of Roads and the Macomb Orchard Trail Commission have reviewed the plans and are recommending that the easements be executed. The developer has also agreed to construct a pedestrian refuge island in the middle of Dequindre for users of the Macomb Orchard Trail and the Clinton River Trail.

<table>
<thead>
<tr>
<th>Committee</th>
<th>Meeting Date</th>
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<tbody>
<tr>
<td>Infrastructure</td>
<td>08/13/2013</td>
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<tr>
<td>Full Board</td>
<td>8-15-13</td>
</tr>
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</table>
July 29, 2013

Date

Office of County Executive
County of Macomb
One South Main, 8th Floor
Mount Clemens, MI 48043

Macomb Orchard Trail Commission
REQUEST APPROVAL / ADOPTION OF
Approval of Easement Requests by Shelby Township

SUBJECT:
Two easements for underground crossings of the Macomb Orchard Trail for a sanitary sewer and storm water sewer connection.

IT IS RECOMMENDED THAT THE EXECUTIVE SUBMIT TO THE BOARD:
Approval for the execution of the two easements to Shelby Township

PURPOSE / JUSTIFICATION:
The requested easements from Shelby Township are for a proposed detached condominium project on Dequindre. The Clinton River Trail and the Macomb Orchard Trail connect in this area. As part of the construction work on Dequindre, the developer has agreed to construct a pedestrian refuge for users of the Clinton River Trail and the Macomb Orchard Trail on Dequindre. The Department of Roads has reviewed and approved the plans.

FISCAL IMPACT / FINANCING:
There is no fiscal impact. The developer has agreed to repair any damage that might be done to the Trail.
### FACTS AND PROVISION / LEGAL REQUIREMENTS:

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### CONTRACTING PROCESS:

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### IMPACT ON CURRENT SERVICES (PROJECTS):

No impact

Respectfully submitted,

[Signature]

Macomb Orchard Trail Commission
MEMORANDUM

To:    James Carabelli, Chairman
        Infrastructure Committee

From:  Jill K. Smith
        Assistant Corporation Counsel

Subject: Macomb Orchard Trail Commission – Shelby Township Easement

Date:  August 12, 2013

The Macomb Orchard Trail Commission received a request by Shelby Township for two easements for underground crossings of the Trail for a sanitary sewer and a storm water sewer on the north side of the Trail and Dequindre Road for a detached condominium project. The Clinton River Trail and the Macomb Orchard Trail connect in this area. The developer of the condo project has agreed to construct a pedestrian refuge island in the middle of Dequindre for users of both Trails. The Trail Commission, the Department of Roads, and Shelby Township have reviewed the plans and are recommending that the easements be executed.
Public Utility Easement

Property No.
Property Address:

That we County of Macomb, Michigan
(Name of Corporation)

whose address is One S. Main, 8th Floor, Mt. Clemens, Michigan 48043

for and in consideration of the sum of One Dollar, to us in hand paid by the Charter Township of Shelby in the County of Macomb, State of Michigan, do hereby release and convey to the Charter Township of Shelby an Easement for the construction, installation, repair, maintenance, and replacement of a Sanitary Sewer over, under, and across the following described parcel of land. No permanent structure shall be built on said easement, fences excepted.

See attached Exhibit 'A'
The Easement shall be a permanent Easement described as:

See attached Exhibit 'A'
The premises so disturbed by reason of the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This Easement shall run with the land and be binding upon the heirs, executors, successors, administrators, and assigns of the undersigned, as the holders of the legal title to the land and premises above described.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this ___ day of __________, 20___.

Witnesses:  

________________________________________  
(Name of Corporation)

Grantor:

________________________________________  

ACKNOWLEDGMENT

STATE OF MICHIGAN ss.
COUNTY OF ____________

On this ___ of __________, 20___, before me, a Notary Public in and for said State and County, personally appeared

Known to me to be the person(s) described in and who executed the within instrument, and acknowledged the same to be their own free act and deed.

(Notary Public, ____________ County)

My Commission expires ____________, 20___
Acting in the county of ____________

When Recorded, return to:
Charter Township of Shelby
Department of Public Works
6333 23 Mile Road
Shelby Township, Michigan 48316

Drafted by: Urban Land Consultants
8800 23 Mile Road
Shelby Township, Michigan 48316
(586) 731-8030
That part of the Macomb Orchard Trail (100' Wide) (previously known as the Grand Trunk and Western Rail Road) in the N.W. 1/4 of Section 18 of Shelby Township; a centerline in part of Section 18, T.3N., R.12E., Beginning on the north line of Section 18, N.89°42'09"W., 80.63 feet along the north line of Section 18 from the Northeast Corner of Section 18, thence southwesterly along a non-tangent curve, concave to the north, having a central angle of 24°54'51"., a radius of 2759.15 feet, an arc length of 1199.77 feet and whose chord bears S.56°31'12"W., 1190.34 feet; thence S.68°58'37"E., 318.10 feet; thence westerly along a non-tangent curve, concave to the north, having a central angle of 28°21'11", a radius of 2795.47 feet, an arc length of 1383.35 feet and whose chord bears S.88°38'44"W., 1369.29 feet to the end of the centerline on the west line of Section 18, being S.01°28'15"E., 789.49 feet along the west line of Section 18 from the Northwest Corner of Section 18, total length of centerline being 2901.22 feet more or less, subject to any and all easements and Right-of-Way of record or otherwise.
30 foot wide Sanitary Sewer Easement
Over Macomb Orchard Trail

A Sanitary Sewer Easement in part of the N.W. 1/4 of Section 18, T.J.N., R.12E., Shelby Township, Macomb County, Michigan is described as: Commencing at the N.W. corner of Section 18; thence S.00°49'18"E., 740.64 feet along the West line of Section 18 and the centerline of Dequindre Road to a point on the northerly edge of the Macomb Orchard Trail (100' Wide) (previously known as the Grand Trunk and Western Rail Road); thence along said line and a curve concave to the North of radius 3400.00 feet, a central angle of 09°57'48", whose chord bears S.82°42'13"E., 590.49 feet, an arc length of 591.23 feet to the centerline of a 30 foot wide Sanitary Sewer Easement and the Point of Beginning; thence along said centerline S.21°20'13"E., 108.87 feet to a point on the southerly edge of the Macomb Orchard Trail and the Point of Ending.

30 foot wide Storm Sewer Easement
Over Macomb Orchard Trail

A Sanitary Sewer Easement in part of the N.W. 1/4 of Section 18, T.J.N., R.12E., Shelby Township, Macomb County, Michigan is described as: Commencing at the N.W. corner of Section 18; thence S.00°49'18"E., 740.64 feet along the West line of Section 18 and the centerline of Dequindre Road to a point on the northerly edge of the Macomb Orchard Trail (100' Wide) (previously known as the Grand Trunk and Western Rail Road); thence along said line and a curve concave to the North of radius 3400.00 feet, a central angle of 13°09'04", whose chord bears S.84°17'51"E., 778.69 feet, an arc length of 780.40 feet to the centerline of a 30 foot wide Storm Sewer Easement and the Point of Beginning; thence along said centerline the following two (2) courses S.00°14'42"W., 56.56 feet; thence S.07°09'30"E., 42.03 feet to a point on the southerly edge of the Macomb Orchard Trail and the Point of Ending.

10 foot wide Temporary Grading Easement
Over Macomb Orchard Trail

A Temporary Grading Easement in part of the N.W. 1/4 of Section 18, T.J.N., R.12E., Shelby Township, Macomb County, Michigan is described as: Commencing at the N.W. corner of Section 18; thence S.00°49'18"E., 740.64 feet along the West line of Section 18 and the centerline of Dequindre Road to a point on the northerly edge of the Macomb Orchard Trail (100' Wide) (previously known as the Grand Trunk and Western Rail Road); thence along said line and a curve concave to the North of radius 3400.00 feet, a central angle of 8°37'10", whose chord bears S.82°01'54"E., 511.00 feet, an arc length of 511.48 feet to the Point of Beginning; thence continuing along said northerly edge of the Macomb Orchard Trail (100' Wide) the following two (2) courses: on a curve concave to the north of radius 3400.00 feet, a central angle of 4°47'23", whose chord bears S.88°44'10"E., 284.15 feet, an arc length of 284.23 feet; thence along a curve concave to the north of radius 1785.63 feet, a central angle of 0°24'37", whose chord bears N.88°39'50"E., 12.79 feet, an arc length of 12.79 feet; thence S.00°39'22"E., 10.02 feet; thence along a curve concave to the north of radius 3410.00 feet, a central angle of 5°00'12", whose chord bears N.08°50'34"W., 297.68 feet, an arc length of 297.77 feet; thence N.03°39'31"E., 10.00 feet to the northerly edge of the Macomb Orchard Trail and the Point of Beginning.

UDG KBK 2011/110840/10874 TRAIL EASEMENT
Public Utility Easement

Property No. _______________________________________________

Property Address: ___________________________________________

That we ___________________________________________________

County of Macomb, Michigan

(Name of Corporation)

whose address is One S. Main, 8th Floor, Mt. Clemens, Michigan 48043

for and in consideration of the sum of One Dollar, to us in hand paid by the Charter Township of Shelby in the

County of Macomb, State of Michigan, do hereby release and convey to the Charter Township of Shelby an

Easement for the construction, installation, repair, maintenance, and replacement of a Storm Sewer over,

under, and across the following described parcel of land. No permanent structure shall be built on said

easement, fences excepted.

See attached Exhibit 'A'

The Easement shall be a permanent easement described as:

See attached Exhibit 'A'

The premises so disturbed by reason of the exercise of any of the foregoing powers shall be reasonably

restored to its original condition by the Grantee.

This Easement shall run with the land and be binding upon the heirs, executors, successors, administrators, and

assigns of the undersigned, as the holders of the legal title to the land and premises above described.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this ___ day

of _______________, 20___.

Witnesses: _______________________________________________

(Title of Corporation)

Grantor:

_________________________________________________________

_________________________________________________________

_________________________________________________________

_________________________________________________________

Acknowledgment

STATE OF MICHIGAN ) ss.

COUNTY OF ____________ )

On this ___ of ____________, 20__, before me, a Notary Public in and for said State and County, personally

appeared

Known to me to be the person(s) described in and who executed the within instrument, and acknowledged the

same to be their own free act and deed.

(Notary Public, _____________________________ County)

My Commission expires ________________________, 20__

Acting in the county of _______________________

When Recorded, return to:
Charter Township of Shelby
Department of Public Works
6333 23 Mile Road
Shelby Township, Michigan 48316

Drafted by:
Urban Land Consultants
8800 23 Mile Road
Shelby Township, Michigan 48316
(586) 731-8030
EXHIBIT 'A'

**N.**

Scale: 1" = 100'

0'  50'  100'  200'

**SECTION 18**

**SHELBY TOWNSHIP**

MACOMB ORCHARD TRAIL

AREA OF EASEMENTS

DEQUINDE ROAD

CITY OF ROCHESTER

LOCATION MAP

NO SCALE

PROPOSED TRAILSIDE CONDOMINIUM

**EXISTING OAKWOOD CONDOMINIUM**

**DEQUINDE ROAD 60' 1/2 WIDTH**

---

**LINE** | **BEARING** | **DISTANCE**
---|---|---
L1 | S 21°20'15" E | 1188.97'
L3 | S 26°14'42" E | 588.85'
L3 | S 07°59'30" E | 42.63'
L4 | S 00°39'22" E | 10.02'
L5 | N 03°59'31" E | 10.00'

N.W. CORNER

SECTION 18

T 3 N R 12 E

500'49'18"E 740.64' 51.32'

798.49 (R)

---

**CURVE** | **RADIUS** | **DELTA ANGLE** | **CHORD BEARING** | **CHORD LENGTH** | **ARC LENGTH**
---|---|---|---|---|---
C1 | 3400.00' | 08°13'10" | S 82°01'94" E | 511.00' | 511.48'
C2 | 3400.00' | 04°47'23" | S 88°44'10" E | 284.15' | 284.23'
C3 | 1785.63' | 00°24'37" | N 88°39'50" E | 12.79' | 12.79'
C4 | 3410.00' | 09°00'12" | N 88°50'34" W | 293.68' | 293.77'
C5 | 3400.00' | 09°57'48" | S 82°42'13" E | 590.49' | 591.23'
C6 | 3400.00' | 13°09'04" | S 84°17'51" E | 778.69' | 780.40'

---

**LEGEND**

PB = Found Pipe
FP = Found Pipe
SB = Set Bolts/Cap O
SHQ = Set Guy Nails O
R = Record Distance
M = Measured Distance
RAD = Radiol

**EXHIBIT A**

EASEMENT

DATE 11/12/12

DRAWN T.M.P.

CHECK W.C.A.

SHEET 1 OF 3

JOB NO. 110840-5204
Part of the Macomb Orchard Trail

That part of the Macomb Orchard Trail (100' Wide) (previously known as the Grand Trunk and Western Rail Road) in the N.W. 1/4 of Section 18 of Shelby Township; a centerline in part of Section 18, T.3N., R.12E., Beginning on the north line of Section 18, N.89°42'09"W., 80.63 feet along the north line of Section 18 from the Northeast Corner of Section 18, thence southwesterly along a non-tangent curve, concave to the north, having a central angle of 24°54'51", a radius of 2759.15 feet, an arc length of 1199.77 feet and whose chord bears S.56°31'12"W., 1190.34 feet; thence S.68°56'37"E., 318.10 feet; thence westerly along a non-tangent curve, concave to the north, having a central angle of 28°21'11", a radius of 2795.47 feet, an arc length of 1383.35 feet and whose chord bears S.88°38'44"W., 1369.29 feet to the end of the centerline on the west line of Section 18, being S.01°28'15"E., 789.49 feet along the west line of Section 18 from the Northwest Corner of Section 18, total length of centerline being 2901.22 feet more or less, subject to any and all easements and Right-of-Way of record or otherwise.
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RESOLUTION NO. _____________  FULL BOARD MEETING DATE: ________________
AGENDA ITEM: __________________________

MACOMB COUNTY, MICHIGAN

RESOLUTION TO receive and file report from Board Chair for August, 2013

INTRODUCED BY:  Dave Flynn, Full Board

The following is a report on activities within the Board Office which do not usually appear on committee agendas.

Meetings - Events:
OCE – phone calls, meeting with Al Lorenzo
County-wide Electeds
Drain Board
Pension Board

Office:
Interns:
- Yuan Pei – Shanghai University
- Goran Ognjanoski - Oakland University, (last day is Friday, 08-16-13 Many thanks to Goran for his excellent work and best wishes as he graduates.)
- Adam Scanlon - Oakland University
- Rico Rowe - Wayne State University

Upcoming Board Activities:
PED’s Annual Fundraiser to benefit the Fallen & Wounded Soldiers Fund is Tuesday, August 20th. A lunch and silent auction will be held. Tickets for lunch are $8 in advance and $10 at the door. BOC staff has donated a yoga-themed basket for the silent auction.

Emerging Issues:
Corporation Counsel – Skip Maccarone has been replaced with John Schapka.
Budget Review Process
Martha T. Berry Facility
Veterans Affairs
Freedom Hill
County Space Utilization
Medical Examiner

Region:
“A Bumpy Road, Lansing Debate Over Transportation Funding” – August 2nd at WSU, Mich Suburbs Alliance - See attached event synopsis and meeting materials.
RTA Meetings – see SEMCOG website
MAC - August

Media:
See attached articles.

BOC – Independent Counsel:  Expenditures for Outside Counsel Professional Services

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<th>Litigation</th>
<th>Contract Svs</th>
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COMMITTEE/MEETING DATE
Full Board 08-15-13
MEMORANDUM

TO: Dave Flynn, Chair
Andrew Kim, Director of Legislative Affairs
FROM: Richard Rowe, Intern
DATE: August 6, 2013
SUBJECT: Policy Forum presented by Michigan Suburbs Alliance regarding Roads and Transit Funding

The following provides to A Bumpy Road: The Lansing Debate Over State Transportation Funding

Andrew, Goran, and I attended the Mayors & Managers Policy Forum: A Bumpy Road presented by the Michigan Suburbs Alliance on Friday, August 2nd. While there, we saw presentations from three organizations: MDOT (Kirk T. Steudle), SEMCOG (Paul E. Tait), and the newly formed RTA (Roy C. Rose), that focused on the topic of Michigan's infrastructure and the condition that it is in. Some key points discussed include:

– Michigan infrastructure is in a poor condition due to limited funding. If we actually knew how poor the infrastructure was, we would not want to use it.
– The funding that we do have can barely take care of what we already have, let alone continue to expand infrastructure.
– We focus too much on short term fixes rather than long term, and because of such, we're simply delaying the progression of problems rather than solving them. There must be equal focus on both.
– We should be prioritizing investments and putting funding where it will have the most impact.
– Ohio sets aside one billion every year for roads, bridges, and buses; whereas Michigan does not.
– Michigan's $0.19 exercise tax is one of the lowest in the Midwest along the I-75 and I-94 corridor.
– 27% of North American land based trade passes through Michigan, where our roads consistently rank in the bottom ten for Funding and quality.
– There needs to be more investment in public transit systems, which roughly 2% of Michigan's Population use.

As we discussed the topic after the seminar, we determined that infrastructure's complications arise from more than just poor funding; it's also a matter of public perception. It's easy to talk about what should be implemented, but without proper knowledge and understanding of infrastructure issues on a public level, appropriate funding may never come to light.
Michigan’s roads, bridges, and transit systems have been starved for funds—and our communities suffer as a result. While Governor Snyder has named the funding crisis a top priority, discussion in Lansing has produced dozens of ideas, but little consensus. What does the swirl of competing proposals mean for our local communities? When a solution finally emerges, will it support cities’ goals of maintaining infrastructure in good repair, creating safe and attractive downtowns with complete streets, and providing the transit service that today’s workforce requires? Or will new transportation funding bypass local needs?

This forum will explore those questions and more, bringing together experts from Lansing and our local governments to understand what’s on the table and how it will impact our communities. As the representatives of these communities, our local officials’ voices must be heard in Lansing.

**Discussion Questions**

- How can we ensure that new funding supports all of our transportation needs, and not just one piece of the system?
- If Michigan is to raise more funding for transportation, how should we do so?
- What impacts on our communities will different revenue and distribution options have?
- What should a new funding formula prioritize?
Michigan’s $0.19 excise tax is one of the lowest in the Midwest along the I-75 and I-94 corridor. Indiana, Illinois, Ohio, Pennsylvania and New York levy road, bridge and turnpike tolls to assist funding.

27% of North American land based trade passes through Michigan, where our roads consistently rank in the bottom 10 states for funding and quality.
The Michigan Transportation Fund (MTF) is our main source of revenue for both road construction and maintenance, as well as for public transportation. Created by PA 51 of 1951, the MTF is primarily funded by vehicle registration fees and a $0.19 per gallon excise tax levied on motor fuels. As the legislature has not changed the excise tax rate since 1997, it has not increased with the price of gas, leading to decreased real buying power. In addition, cars have become increasingly fuel efficient and people are traveling less, making it all the more difficult for the State to raise adequate revenues for the MTF.

Approximately 10% of the MTF is distributed to the Comprehensive Transportation Fund (CTF) to help pay for public transit, intercity rail, ferries, and other transportation. After earmarked deductions and distributions, public transit effectively receives 8 to 9%, depending on the year. Local Bus Operations is the largest beneficiary of the CTF and has not received an increase in funding since 2006, despite increased expenses. PA 51 specifies that urban bus systems can receive up to 50% of their budget from the State and that non-urban bus systems can receive up to 60% of their budget from the State, but neither have received that level of funding since 1997. Since then, urban bus system reimbursement has fallen to 31% as of 2012 and non-urban bus system funding has fallen to 38%. Declining funding has forced transit operators to cut service, even as ridership demand is rising.

The remaining 90% of the MTF is divided among state, county and local road agencies (see chart). Funding for state highways is distributed based on city population and road miles. County and local road funds are divided based on vehicle registrations, road mileage, and number of households. The distribution of MTF does not consider factors such as road usage, road age or road condition, and the equation uses external factors—rather than current conditions—to predict traffic patterns and wear.

While revenues have been stagnant for several years, transportation system costs have risen dramatically. For Michigan’s fuel excise tax to keep pace with inflation, the $0.19 in 1997 would now be $0.28. Meanwhile, asphalt and concrete costs have outpaced the rate of inflation over that time; transit operators have faced an increase in fuel costs from about $1.25 per gallon to over $3.50 per gallon.

Current Funding Situation

Revenue Distribution of Michigan Transportation Fund
Proposals for Improving Transportation Funding

Governor Snyder has named the transportation funding crisis a top priority. In 2011, he introduced several proposals to address the issue, tackling both revenue and the distribution of funding with a new Commercial Corridor Fund (CCF), which is still on the table for debate. In his 2013 State of the State address, Governor Snyder emphasized that basic maintenance of our transportation system at an acceptable level would require an estimated $1.6 billion a year in new transportation revenue. This has sparked conversation in Lansing around three key questions: How much do we need to raise, where should the revenue come from, and how should it be distributed? Below are just a few of the many proposals designed to address these key questions.

One way the Michigan Legislature is trying to raise more revenue for transportation is by changing the way fuel is taxed. Examples include Senate Bill 87 and House Bill 4359, both of which would replace the excise tax with a wholesale tax, allowing transportation funding to keep pace with fuel costs. SB 87 would replace the $0.19 excise tax with a 10.6% wholesale tax on gas. Because the revenue collected would fluctuate depending on the cost, SB 87 includes a price floor of $0.37 per gallon and a price ceiling of $0.50 per gallon. HB 4359 uses 10.1% for the wholesale tax, 0.5% lower than SB 87, but HB 4359 would not have a price floor or ceiling on the tax rate.

Another proposal is to increase funding via vehicle registrations. Senate Bill 88 calls for an 80% increase in the annual vehicle registration fee. For example, the annual registration for a car built in 2010 worth $15,000 would increase from $78 to $140. Snyder’s CCF proposal also included this idea, though he asked for a slightly smaller 60% increase in registration fees.

Senate Joint Resolution J would increase the state sales tax from 6% to 8% and designate the extra 2% for the MTF. Currently, no sales tax revenues from Michigan’s 6% rate are given to the MTF, though a small portion, $0.0465 from every $1.00 collected in sales tax, goes to the CTF.

Finally, HB 4359 would exempt gasoline from the sales tax, contingent upon an increase in either a wholesale tax or increased excise tax. Currently, Michigan is one of eight states that apply a sales tax to gasoline. Removing the sales tax on gas would help offset the impacts of the increased wholesale or excise tax on consumers. Though this exemption would keep gas prices lower, it could negatively impact the School Aid Fund, which receives nearly three quarters of all sales tax revenue collected in Michigan.

The proposals above emphasize where the revenue should come from, but do not address how revenue should be distributed. Current discussions maintain the 90/10 revenue split with 10% going to the CTF for public transportation. No changes in the CTF formula have been suggested as of yet.

What do these various proposals mean for our local communities? If a solution is finally decided upon, will it support cities’ goals of maintaining infrastructure, creating safe and attractive downtowns with complete streets, and providing the transit service that today’s workforce requires? And how can we use this opportunity to support the expansion of travel choices for our communities, possibly reducing the traffic that damages our roads, and saving money for both our residents and the state?
Resources


http://transportation4michigan.files.wordpress.com/2012/07/4-30-12-tim-fischer-hb-5303l.pdf

http://trans4m.org/2013/03/24/transportation-funding-plans-which-plan-does-what/
Macomb County commissioners vote to subpoena medical examiner over budget
By Christina Hall Detroit Free Press Staff Writer Filed Under Local News Mark Hackel David Widlak Grosse Pointe
Jul. 25

Macomb County commissioners voted today on a resolution to subpoena county Medical Examiner Dr. Daniel Spitz to appear before them next month to discuss his contracts and his office’s budget and operations.

The board said it has sent a half-dozen unfulfilled requests for Spitz to appear before its Health and Human Services Committee since January 2012.

Spitz is on vacation this week and did not attend a committee meeting today to discuss his office. William Ridella, county health department director, and Steve Gold, county health and community services director, attended the committee meeting and answered questions.

A message was left for Spitz tonight.

“Everything they have asked for, they have gotten,” County Executive Mark Hackel said, adding the board isn’t about transparency but control. “It’s clear it’s not about the information, it’s clear it’s about who provides the information.”

The board’s vote to subpoena was unanimous, with Commissioner Kathy Vosburg absent. Several commissioners asked about the attempts made to get information before the vote, saying the move was a serious step.

The subpoena would be for Spitz to appear at the board’s Aug. 15 meeting. The last time Spitz is believed to have appeared before the board was in 2010, when he came under fire by commissioners who questioned him after he missed finding a bullet wound in the back of prominent banker David Widlak’s neck during an autopsy.

Widlak, 62, of Grosse Pointe Farms was last seen Sept. 19, 2010, leaving Community Central Bank in Mt. Clemens. His decomposed body was found floating in Lake St. Clair in Harrison Township a month later.

A second, independent autopsy by the Oakland County medical examiner found the bullet wound during an autopsy Widlak’s family commissioned.

Board Chairman David Flynn said the county charter grants the board the ability to subpoena individuals. This is the first time the 13-member board has decided to subpoena someone.

Spitz is a contractor with the county, having served as medical examiner since 2006. He also is the medical examiner in St. Clair County.

The board has requested information about the Macomb County office, including workload, becoming nationally accredited and other information.
Many questions came after the board this spring reviewed contracts from 2011 through April that were executed when the board and Hackel were battling in court over who had the authority over county contracts.

Spitz had a contract for $200,532 annually for 2012 and 2013 for Macomb County. In July 2012, a different contract was signed for Spitz Pathology Group for about $31,446 a month, or about $377,363 annually — about $177,000 more.

That contract was for Spitz, who took on administrative responsibilities, and another forensic pathologist, who would share the workload and allow the office to initiate the process of becoming accredited by the National Association of Medical Examiners.

The contract expires at the end of the year. Commissioner Toni Moceri has said that per state statute, the board has the authority to appoint the medical examiner.

The subpoena is expected to be transmitted Friday, Flynn said.

"We hope he will show up in good faith," Flynn said, adding that if Spitz doesn't show, the board will have to go to the courts to mandate him to come.
Macomb County commissioners vote to subpoena medical examiner

By Christina Hall
Detroit Free Press Staff Writer

Macomb County commissioners voted Thursday to subpoena county Medical Examiner Dr. Daniel Spitz to appear before them next month to discuss his contracts and his office’s budget and operations.

The board said it has sent a half-dozen unfilled requests for Spitz to appear before its Health and Human Services Committee since January 2012.

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Region

PONTIAC
Teen gets life, accomplice gets to 90 years in d

A Pontiac teenager charged as an adult was ordered to spend life in and his older accomplice will serve up to 90 years in bars for killing two over a bogus $10 bill.

Semaj Moran was 23, shot and killed Lo Fournier, 52, and Laura inson, 57, in the home of women shared on Fir Pontiac in February.

During the week of in February, prosecutors had the two men were because one of the who purchased marijuana from them using a credit card. Moran’s jury
The Macomb Daily (http://www.macombdaily.com), Serving Macomb County, MI.

News » Local »

Spitz subpoenaed to appear before county board

By MITCH HOTTS
mitch.hotts@macombdaily.com; @mhotts

Thursday, July 25, 2013

The Macomb County Board of Commissioners voted unanimously Thursday night to subpoena county Medical Examiner Daniel Spitz to appear before them to seek information about how he runs the office.

Spitz has not responded to six requests sent by the board since January to appear before the Health and Human Services Committee to talk about his budget, contract and office operations, according to a news release issued late Thursday.

“Our office has made numerous good faith efforts to request Dr. Spitz’s presence in our public forum, where discussions about county services should take place,” board Chairman David Flynn said in the release.

“While it is disconcerting to have to go to such lengths to attain basic information, it has become evident that we have been left no other option.”

County commissioners want documents and information related to the duties of the medical examiner’s office, including the prioritization of examinations, workloads, the pursuit of national accreditation and other information.

Spitz, who took over as county coroner in 2004, could not be reached for comment Thursday night.
However, Macomb County Executive Mark Hackel said every piece of information the board has requested has been provided to them, and Spitz’s immediate supervisor, Macomb County Health Officer Bill Ridella, was present at Thursday’s session.

“This is not about information, it’s about controlling the person they want to give them the information,” Hackel said late Thursday. “Anything they want, we will have a top-ranking official provide and we will continue to do so.”

In addition, Hackel warned the board may be “treading on some very dangerous legal ground” if they try to question Spitz about past or ongoing criminal cases.

“He is a key witness in several important cases and to try to publicly question him could put the county in a litigious situation,” Hackel said.

Spitz last year reached a revised agreement with the county that pays his newly formed company, Spitz Pathology Group, $377,000 a year to handle all of the autopsies in Macomb County.

The new contract, which includes a second medical examiner and new administration duties, represents an 88 percent increase in compensation compared to his previous deal as a single contract employee making $200,000 annually.

He is the son of world-renowned medical examiner Dr. Werner Spitz, who ran the county medical examiner’s office before Daniel Spitz took over and still has offices in St. Clair Shores.

Daniel Spitz has come under fire from some of his colleagues who claim he runs a “tyrannical” regime at the county morgue and forcing out every member of his father’s former staff. He has dismissed those claims as sour grapes from disgruntled ex-workers.

County commissioners did not learn of the new contractual arrangement until May, several months after it had been negotiated with the county executive.

The contract expires Dec. 31 and the 13-member county board feels they have sole discretion to fill the medical examiner’s position. The county built a $2.4 million state-of-the-art morgue in 2007, a 6,00-square-foot facility located next to the Martha T. Berry Medical Care Facility in Mount Clemens.

Spitz is ordered to appear before the county board at its next regular monthly meeting at 7 p.m. on Thursday, Aug. 15 at the Administration Building, 1 Main Street, Mount Clemens.
Coroner Spitz subpoenaed to answer county board questions

By CHAD SELWESKI
chad.selweski@macombdaily.com; @cbsnewsman

Friday, July 26, 2013

After being snubbed six times in two years, the county Board of Commissioners took unprecedented action by issuing a subpoena to force the county coroner, Dr. Daniel Spitz, to appear before the board to address concerns such as the excessive number of autopsies he performs each year, the $377,000 annual contract for his private firm, and numerous financial and operational matters at the morgue.

Under authority they were granted by the new county charter, the commissioners voted unanimously on Thursday to subpoena the medical examiner to appear before the board at their Aug. 15 session.

Spitz, by far the highest-paid county employee, has faced criticism for a botched autopsy in the high-profile death of banker David Widlak; significant employee turnover at the morgue; complaints by former employees that he relies upon “tyrannical” tactics and has forced out veteran workers who feel harassed; and performing hundreds of autopsies each year at a level that far exceeds national standards for quality.

If Spitz is again a no-show on Aug. 15, the 13-member board could seek a court order forcing him to appear before the commissioners.

The decision to invoke subpoena powers came after a tense special meeting of the board’s Health and Human Services Committee at which two top county administrators answered questions on Spitz’s behalf.

The meeting included a prickly exchange, with Commissioner Fred Miller asking pointed questions and Steve Gold, director of the Department of Health and Community Services, giving terse answers.

When Gold, Spitz’s top boss, suggested that commissioners with questions about operations at the Medical Examiner’s Office should meet privately with Spitz and other staff, Miller, a Mount Clemens Democrat, retorted: “There certainly are many questions (for Spitz) that should be part of the public discussion.”

County officials said Spitz is on vacation and not available. When the July 25 HHS special meeting was scheduled in June, commissioners were told by County Executive Mark Hackel’s office that Spitz would be unavailable that day. On July 17, the executive’s office said that Spitz had scheduled a vacation for the week of July 22.

After the vote to issue a subpoena, board Chairman Dave Flynn issued a statement: “While it is disconcerting to
have to go to such lengths to attain basic information, it has become evident that we have been left no other option.”

Spitz’s contract is up for renewal on Dec. 31 and the board has asserted that they have sole discretion in choosing the medical examiner for 2014 and beyond.

The current contract that the Hackel administration signed in July 2012 with Spitz Pathology group, a newly formed company created by the coroner, represents an 88 percent increase in compensation compared to his previous deal as a single contract employee making $200,000 annually.

But the new pact includes a second medical examiner and new administrative duties for Spitz. Though he is now a contract employee with ties to his own company, Spitz conducts all of his business in an office within the morgue that offers him a computer, telephone, printer and cellphone provided by the county.

As for the complaints by former employees that Spitz was an abrasive and derogatory boss, Bill Ridella, director of the Macomb County Health Department, said that Spitz had no supervisory or management authority over the workers until the new contract took effect.

As the office moves toward national accreditation and higher levels of professionalism, Ridella said, “There is a very positive attitude among the staff.” Gold has praised Spitz as one of the top forensic pathologists in the nation.

In addition to working as the county’s chief medical examiner, Spitz, who became the county coroner in 2006, also serves as the medical examiner for neighboring St. Clair County, he teaches and lectures at Wayne State University, and he conducts private autopsies and consultations.

Statistics presented by the commissioners indicated that Spitz performed 625 autopsies in 2011, far above the 250 limit recommended by the Nation Association of Medical Examiners. In 2012, when the second forensic pathologist, Dr. Mary Pietrangelo came aboard halfway through the year, commissioners say that Spitz and Pietrangelo performed 572 autopsies for Macomb County, 129 for St. Clair County, and 125 on a private consultation basis — for a total of 826.

Dr. Andrew Baker, chief medical examiner for the Minneapolis area and chairman of the national association that awards accreditations, answered questions by the commissioners in a phone call from Minnesota that was piped into the board chambers.

Beyond questioning numerous items in the proposed 2014 budget for the Medical Examiner’s Office, the commissioners on Thursday rejected a morgue contract for body removals awarded by the Hackel administration on July 1 to Dignified Removal Service of Harrison Township at a cost not to exceed $65,000 annually.

Also on Thursday, the board dealt with another issue that could result in a court battle with the executive’s office. The commissioners unanimously overrode a series of Hackel vetoes of board ordinances that the board says would bring more transparency to the county budget process. The executive has vowed to ignore any overrides, which require a two-thirds majority, and to maintain current financial practices.
Hackel vs. board fight raises questions about voter approval of county charter

By CHAD SELWESKI
chad.selweski@macombdaily.com; @cbsnewsman

Thursday, August 1, 2013

The expanding political feud between County Executive Mark Hackel and the Board of Commissioners reached new heights of tension last week as the board managed an override of three more Hackel vetoes.

The issue at hand has increasingly become who has authority over what in the new county government.

Did voters in 2009 approve a divided government of shared powers similar to the president-Congress relationship in Washington, or did they envision a structure similar to a municipal “strong mayor” format in which the executive carries far more authority than the city council?

At stake is the county’s policies on financial matters, government contracts, budget transparency, paying prevailing wages at county construction sites, and granting group homes for the developmentally disabled an exemption from the county’s “living wage” requirement for all contract workers.

Hackel believes the voter-approved county charter gives him control over all administrative duties and day-to-day operations. The commissioners insist they play a typical role as a legislative branch, overseeing budget issues and making county policies that can later be amended and enhanced.

The executive and the board have battled in court once to settle their differences and a second lawsuit is not unlikely.

“The executive office is pushing us in that direction,” said board Chairman Dave Flynn, a Sterling Heights Democrat. “We hope that can be prevented.”

While some political observers view this ongoing tug-of-war as a simultaneous power grab by both sides, Hackel and Flynn insist the standoff is based on basic democratic principles and efficient government.

When Hackel vetoed a board resolution that gave the commissioners 45 days to approve each contract above $35,000, the executive’s veto letter scolded the board: “The (board’s) commitment to efficient government will be (forfeited) if the (board) can delay contract approvals for” more than six weeks.

Hackel has raised the stakes by announcing that he will ignore some of the board’s veto overrides because he
believes the policies and procedures at issue violate the charter or state law.

"Everything flows from the charter," said Assistant County Executive Al Lorenzo. "What ... we've said to the Board of Commissioners is, let's try to find some bedrock. And the only place where there is bedrock is in the charter and in state law."

While Lorenzo asserts that the board cannot be trusted to stick to compromise agreements, Flynn said the executive office is attempting to circumvent the basic "checks and balances" between executive and legislative branches.

"This is about the inherent authority of a legislative branch. Why would the executive office think we're different than any other legislative branch?" Flynn said. "It doesn't add up. They're basically acting like they are all branches of government."

Hackel has gone so far as to state that he will ignore several of the board's overrides because they fly in the face of the executive office's interpretation of the charter. In other cases, state law is clear, according to Hackel aides.

For example, the board voted to continue its policy of exempting dozens of group homes from the county's living wage policy, which requires double-digit hourly pay at companies that do business with the county. But the state's 1974 mental health code grants all authority over mental health department policies to the county executive.

Another potentially politically sensitive issue focuses on maintaining the prior "labor harmony" agreement that all construction contractors and subcontractors must match unionized skilled trades workers' wages, benefits and professionalism.

That issue raises another odd twist in this standoff: a disagreement between the board and the executive's office over the meaning of last year's state Court of Appeals decision, which said the commissioners have the right to approve or reject contracts of $35,000 or more.

The board labeled that a total victory for the legislative branch. Hackel's team said it was a victory for them because the appellate court outlined several categories of authority that the executive alone holds.

The board claims they are fully within their purview to instruct the executive to preserve the labor harmony requirements on all contracts. The executive office asserts that the court ruling specifically established that negotiations of contract provisions fall strictly within the executive's authority.

Lorenzo emphasized that the vetoes are about rules and procedures and do not express the executive's office views on union-level wages at construction sites or wage exemptions for group homes that are struggling financially.

The stubbornness on both sides in this tussle is not necessarily a product of partisanship. Hackel is a Democrat, like the majority of the board, where Democrats now hold a 9-4 edge over the Republicans.

Most GOP commissioners switched to a pro-Hackel view on some of these issues after the board had expressed near unanimity over the past several weeks. At last week's board meeting, votes that came up short of the two-thirds majority need to rebut Hackel included an ordinance that would have require board approval to grant corporate advertising - naming rights - to county buildings and property.
An ordinance and resolution that came up short would have mandated that a series of government purchases that totaled $35,000 in a year also faced board approval, just like contracts.

Some of the votes may have gone differently if Chesterfield Township GOP Commissioner, the former board chair and a frequent Hackel critic, had been in attendance at the session. Voburg was out of state celebrating the birth of a grandchild.
County Executive Mark Hackel stands defiantly, defending his efforts to consolidate power after suffering two major political setbacks on Thursday.

In a blunt display of authority, the county Board of Commissioners rejected Hackel’s choice for the county’s chief legal counsel — marking the first time the board has rejected a high-level Hackel appointment. At the same time, many commissioners cheered on a county agency that is suing Hackel for supposedly overstepping his bounds.

The two developments threaten to add to the disarray in county government, as the ongoing power struggle between Hackel and the commissioners has left many issues unresolved, and more potential lawsuits a possibility.

The board voted 7-4 to turn aside Hackel’s nominee for corporation counsel, one of the highest-paid positions in county government with a salary that tops out at $132,000. Gabe Orzame, a lawyer for the court administrator’s office at the U.S. District Court in Detroit, was peppered with dozens of questions by the commissioners.

He was criticized for lacking a background in municipal law and never having served in a corporation counsel office for a county, large city or large public sector institution such as a university. Orzame was nominated to replace longtime Corporation Counsel George Brumbaugh, who recently retired.

Some board members seemed more irked by the selection process, which excluded them, than with Orzame’s perceived shortcomings for the job. The candidate was selected from a batch of 47 applicants, with three members of the Hackel administration, Chief Circuit Judge John Foster and Sheriff Anthony Wickersham handling job interviews with the finalists.

Meanwhile, in a lawsuit filed last week in Macomb County Circuit Court, the three-member Human Services Board that oversees the county’s Martha T. Berry Medical Care Facility challenged an executive order issued by Hackel taking control of the facility.

In a July directive, Hackel said the 2010 joint operating agreement between the Board of Commissioners and the Human Services Board is overruled by the charter, and the executive branch is exerting day-to-day authority over the 217-bed facility, located in Mount Clemens.

Established in 1949, Martha T. Berry serves as home to some of Macomb County’s most chronically ill residents. Patients range from teenagers to senior citizens who need long-term care because of accidents, illness or disease that has left them paralyzed, comatose or incapacitated.
For the poor, Martha T. Berry is viewed as a safety net, a care facility of last resort for the "medically fragile and financially indigent."

"After 2 1/2 years of this going nowhere ... we decided that you can't have somebody making all the decisions and the county taking all the risk," said Assistant County Executive Al Lorenzo.

Many commissioners view the agreement reached between the two boards and the four labor unions that represent Martha T. Berry workers as a major fiscal policy accomplishment. With the flexibility granted to the Human Services Board members to create efficiencies, they eliminated many years of county subsidies of up to $8 million annually needed to keep the doors open.

A particular sticking point for the Hackel administration is the Human Services Board's handling of labor contract negotiations, rather than adhering to the charter's prescribed role for the executive's human resources director.

Many commissioners want to adopt a resolution siding with the Human Services Board, though on Thursday a decision was delayed for a week while the legal liabilities and ramifications are studied.

In the meantime, the status of the Rev. Roger Facione, chairman of the services board, remains in limbo as the executive office and the commissioners fight over who has the right to decide Facione's pending reappointment.

A similar uncertain fate awaits Ralph "Skip" Maccarone, who was named by Hackel as the interim corporation counsel until Brumbaugh's successor was confirmed by the commissioners. Officials now concede that Maccarone's legal status is unclear, yet he could continue to hold the "interim" title for months if the 13-member board and executive remain at loggerheads.

Overall, the feud has produced one court fight, several vetoes and veto overrides, vows by Hackel to ignore certain board actions and, increasingly, a war of words.

Flynn said that the administration is "not respecting the charter or the people who voted for it" by refusing to recognize the board as a co-equal branch of government.

Hackel said the board's actions repeatedly violate the charter and their refusal to confirm Orzame was "a threat to say that, if I don't give them control over the process, they will deny all candidates."

As the disputes fester, the legal wrangling could get worse due to the rejection of Orzame, a former legal researcher for the Macomb County Circuit Court.

The chief corporation counsel serves as the attorney for the legislative and executive branches of government — often acting as a referee between the two entities on contentious legal matters. But the voter-approved county charter specifies that the executive office selects a nominee for the job and that chosen candidate faces confirmation from the board.

"What do in my part of the process has nothing to do with the commissioners," Hackel said. "What does that matter to them? I ... am absolutely stunned that they're trying to inject themselves into my part of the process."

Commissioner Kathy Tocco, an attorney and a Fraser Democrat, was terse in responding to those defending the process: "I don't think you would let someone else select your attorney on a personal basis or in the private sector. The corporation counsel is our attorney."
County board Chairman Dave Flynn said that the selection process should start from scratch with the commissioners involved from day one.

"I doubt that will ever happen," warned Lorenzo. Executive staffers "don't have a clue" what will happen next, he added, because the charter does not address such a standoff. Hackel is not required to present a new nominee under any time frame, and the commissioners are powerless to suggest someone for the post.

After Thursday's board session, Flynn revealed that he told Orzame on Sunday that he did not have sufficient votes and that his confirmation would likely fail. But the attorney, according to Flynn, turned down an offer to "save face" and withdraw his name for the job. Orzame declined to comment.

Also, at least one of the assistants who served under Brumbaugh for years was apparently rejected in the interview process.

Officials would not reveal details, but Orzame had said his first priority would be to smooth over "hurt feelings" in the corporation counsel's office.
Macomb commissioners reject Mark Hackel's pick for corporation counsel

By Christina Hall Detroit Free Press Staff Writer Filed Under Local News Macomb County Mark Hackel
Aug. 08

Macomb County commissioners today rejected Executive Mark Hackel’s pick for the county’s chief legal counsel — the first time commissioners have failed to confirm a Hackel appointee.

Some commissioners were concerned the board wasn’t part of the process to select a new corporation counsel. Others thought the appointee, Gabriel Orzame Jr., lacked municipal experience.

“This is another roadblock put forth by the commission that I will figure out how to get around,” Hackel said after the 7-4 vote. Two commissioners were absent.

Hackel said the county charter allows the executive to appoint and the board to confirm.

Commission Chairman David Flynn said he believes the process should start over and include the board.

“There’s consequences to not being inclusive,” he said.

Hackel said he will include the board in the selection process if the board is “willing to give up their part at the end at confirmation.”

Commissioners peppered Orzame with questions during an interview at a full board meeting today — five days after he and interim Corporation Counsel Ralph (Skip) Maccarone were introduced at a meet-and-greet at the county administrative building attended by at least 100 people that also marked the retirement of former Corporation Counsel George Brumbaugh.

“I don’t have any comment at this time,” Orzame said after the vote. “I went through the process, and they made their decision.”

The selection process included a panel that interviewed four of the 47 applicants. The panel included Assistant County Executive Al Lorenzo, Deputy County Executive Mark Deldin, Human Resources

and Labor Relations Director Eric Herppich, Sheriff Anthony Wickersham and Chief Circuit Judge John Foster.
Hackel appointee rejected by board

- County executive, commissioners carry on dispute over delegation of power

By CHAD SELWESKI
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@chadnewman

County Executive Mark Hackel stands defiantly; defending his efforts to consolidate power after suffering two major political setbacks on Thursday.

In a blunt display of authority, the county Board of Commissioners rejected Hackel’s choice for the county’s chief legal counsel — marking the first time the board has rejected a high-level Hackel appointment.

At the same time, many commissioners cheered on a county agency that is suing Hackel for supposedly overspending his bounds.

The two developments threaten to add to the disarray in county government, as the ongoing power struggle between Hackel and the commissioners has left many issues unresolved, and more potential lawsuits a possibility.

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PLEASE SEE COUNTY/A-6
COUNTY
FROM PAGE A-1

one of the highest-paid positions in county government with a salary that tops out at $332,000. Gale Ormsby, a lawyer for the court administrator’s office at the U.S. District Court in Detroit, was prepared with dozens of questions by the commissioners.

He was criticized for holding a background in municipal law and never having served in a corporation counsel office for a county, large city or large public sector institution such as a university. Ormsby was nominated to replace longtime Corporation Counsel George Brubough, who recently retired.

Some board members seemed more interested in the selection process, which excluded them, than with Ormsby’s perceived shortcomings for the job. The candidate was selected from a batch of 47 applicants, with three members of the canvass administration, Chief Circuit Judge John Pearson and Sheriff Anthony Wickersham handling job interviews with the finalists.

Meanwhile, in a lawsuit filed last week in Macomb County Circuit Court, the three-member Human Services Board that oversees the county’s Martin T. Berry Medical Care Facility challenged an executive order issued by Michigan taking control of the facility. In a July directive, the board said the 2007 joint operating agreement between the Board of Commissioners and the Human Services Board is governed by the charter, and the executive branch is exerting de facto authority over the 217-bed facility located in Mount Clemens. Established in 1936, Martin T. Berry serves as home to some of Macomb County’s most chronically ill residents. Patients range from teenagers to senior citizens who need long-term care because of accidents, illness or disabilities that has left them paralyzed, comatose or incapacitated.

For the poor, Martin T. Berry is viewed as a safety net, a care facility of last resort for the “medically fragile and financially indigent.”

"After 21 years of this going nowhere... we decided that you can’t have somebody making all the decisions and the county taking all the risk," said Assistant County Executive Ali Lorenzo.

Many commissioners view the agreement reached between the two boards and the four labor unions that represent Martin T. Berry workers as a major fiscal policy accomplishment. With the flexibility granted to the Human Services Board members to create efficiencies, they eliminated many years of county subsidies of up to $3 million annually needed to keep the doors open.

A particular sticking point for the Michigan administration is the Human Services Board’s handling of labor contract negotiations, rather than referring to the charter’s specified role for the executive’s human resources director. Many commissioners want to adopt a resolution siding with the Human Services Board, calling on Thursday a decision was delayed by a week while the legal liabilities and ramifications are studied.

In the meantime, the status of the Rev. Roger Facke, chairman of the services board, remains in limbo as the executive office and the commissioners fight over who has the right to decide Facke’s pending resignation. A similar uncertain fate awaits Ralph "Sid" Masconera, who was named by Ormsby as the interim corporation counsel until Brubough’s successor was confirmed by the commissioners. Officials now concede that Masconera’s legal status is unclear, yet he could continue to hold the "interim" title for months if the five-member board and executive remain at loggerheads.

The board’s buffer also has produced one court fight, several revotes and veto overrides, won by Ormsby to ignore certain board actions and, increasingly, a war of words. Facke said that the administration is "not respecting the charter or the people who voted for it" by refusing to recognize the legal status of the board.

Ormsby said the board’s actions repeatedly violate the charter and their refusal to confirm Ormsby was "in clear violation of the law," adding "we’ll take the matter to court.

As the dispute continues, the legal wrangling could get worse due to the rejection of Ormsby, a former legal researcher for the Macomb County Circuit Court. The chief corporation counsel serves as the attorney for the legislative and executive branches of county government — often serving as a referee between the two entities on contentious legal matters. But the voters-approved county charter specifies that the executive office selects a nominee for the job and that a candidate must receive confirmation from the board.

"What I do in my part of the process has nothing to do with the commissioners," said Ormsby. "Then I am absolutely stunned that they’re trying to inject themselves into my part of the process."

County Judge Kathy Tocco, an attorney and a former Democrat, was ters in responding to those defending the process: "I don’t think you would ever want someone else select your attorney on a personal basis or the private sector. The corporation counsel is our attorney."

County board Chairman George Brubough said the selection process should start from scratch with the commissioners involved from day one.

"I doubt that will ever happen," warned Brubough. Especially if "we don’t have a choice what will happen next, no matter the election, because the charters do not address such a scenario."

Ormsby is not required to present a new nominee under any time frame, and the commissioners are powerless to suggest someone for the post.

After Thursday’s board session, Facke vowed that he told Ormsby on Sunday that he did not have sufficient votes and that his confirmation would likely fail. But the attorney, according to Brubough, turned down an offer to "save face" and withdraw his name for the job. Ormsby declined to comment.

Also, at least one of the assistant who served under Brubough for years was apparently rejected in the interview process.

Officials would not reveal details, but Ormsby had said his first priority would be to "put a Band-Aid over" but "feelings" in the corporation counsel’s office.

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Coming Sunday

While Michigan residents are enjoying the summer and the benefits of the Great Lakes, residents living on the other side of Lake Huron are entertaining the idea of being the final nesting spot for Canada’s nuclear waste. And that has some environmentalists and officials in Macomb County concerned.

We often dispatch our used paper to a bin on its way to recycle land. But there are designers who see possibilities in all that woold plop and it might find its way back to decorate your home. See how in Homestyle.

Columnist Pat Caputo puts his spin on the first preseason game for the Detroit Lions. Are the Lions good enough to make the playoffs?

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MacombDaily.com

JUDGE

FROM PAGE A-1

divorced. In 2011, Casetti also has two adult daugh-
ters, one from a prior marriage. In March 2009, Casetti’s
girlfriend, Brenda Conway, was sentenced to five years in
Franklin County Court after pleading guilty to operating
under the influence (DUI).

In February, Casetti was in the vehicle with his two
daughters, 13 and 15, as well as Casetti after the four-
tested police. Police said that Casetti was traveling too fast and hit another vehicle.

Casetti’s car struck the other vehicle, killing two people. Casetti was arrested and charged with vehicular manslaughter.

Casetti was convicted of vehicular manslaughter and sentenced to one year in jail. He was released on bond and placed on probation.

Casetti’s case was brought to trial, where he was found guilty of vehicular manslaughter. He was sentenced to two and a half years in prison and was ordered to pay restitution to the victims’ families.

Casetti is currently serving his sentence at the Oregon Correctional Institute in Salem, Oregon.
Macomb County tax dollars may be at risk in Detroit bankruptcy

Friday, August 9, 2013 8:40 PM EDT

By CHAD SELWESKI
chad.selweski@macombdaily.com; @cbsnewsmom

Macomb County’s chief legal counsel has warned officials that the $5 million in tax money that Macomb County pays for the Detroit Institute of Arts could be tapped in the Detroit bankruptcy process to pay off the city’s multitude of debts.

Interim Corporation Counsel Ralph “Skip” Maccarone said that the Macomb County millage money for the DIA is just one of many Detroit revenue streams that could be allocated by Bankruptcy Court Judge Steven Rhodes to pay creditors that are owed billions of dollars.

“The power of a bankruptcy court is vast. We would be in uncharted territory,” with the judge determining whether Macomb County tax dollars for the DIA should be thrown into the mix, Maccarone told the startled county Board of Commissioners.

The legal community has cautioned that the Detroit case, by far the largest municipal bankruptcy in U.S. history with $18 billion in debts at stake, could set several court precedents.

While the main concern among suburban officials for months has been that the tri-county, voter-approved tax for the DIA would collapse politically if some of the museum’s estimated $3 billion worth of art and artifacts were sold in bankruptcy court, Maccarone said the stakes may be much higher.

Judge Rhodes might rule that the $5 million levy from Macomb is no different than the taxes and fines and fees that Detroit collects from numerous sources. The most extreme scenario, though unlikely, would be that the judge would threaten the county with civil or criminal penalties if it withheld that money.

“I don’t know if the bankruptcy court would impose jurisdiction over (county Finance Director Pete) Provenzano and how he disburses funds,” Maccarone told the board’s Finance Committee on Thursday.

Detroit Emergency Manager Kevyn Orr has not addressed DIA tax dollars but he has left open the possibility of selling off some of the lauded museum’s treasures to pay off debts. That prospect became clearer earlier this week when it was reported that the vaunted Christie’s Auction House has been hired by Orr’s legal team to assess the value of the DIA’s assets.

Maccarone said one piece of good news for DIA supporters is that any attempt to sell art would likely drag on for years as it generated a complicated web of legal challenges from various interest groups across the nation. Creditors would step into the fray, demanding a fuller payment of the money they are owed by the city.

“The sale of the art at the Detroit Institute of Arts, in my estimation, would go all the way to the U.S. Supreme Court,” said
Maccarone, who was just appointed to the interim corporation counsel position a few weeks ago, “Almost every element of this process is unclear.”

The tri-county tax, approved by Wayne, Oakland and Macomb voters in August 2012, is a 0.2-mill levy that amounts to a $15 annual assessment on a typical Macomb County family with a home worth $150,000. But the annual allocation of the funds is overseen by a Macomb County arts authority and that group could attempt to halt the disbursement if it concluded that a reduction in the DIA’s artistic offerings was a breach of contract.

The museum is run by the DIA foundation but it is still owned by the city. DIA officials have argued that the art is protected because it is enshrined in a “public trust,” and they have promised to launch an all-out legal battle if treasured paintings are put on the auction block.

However, Rhodes could rule that the city’s revenues are no different in a municipal bankruptcy process than the revenues derived by a bankrupt corporation through sales or services provided. If Detroit is treated by the court as the public sector version of a corporate “debtor in possession,” according to the Macomb County legal counsel, then the judge will have “tremendous power” to dispose of city assets and disburse city revenues as he pleases.

At the suggestion of Commissioner Don Brown, the Macomb board instructed the corporation counsel’s office to research the issue and write a legal opinion that lays out the county’s options, including placing the millage money in escrow or creating a ballot proposal that would allow Macomb voters to reverse their approval of the 10-year tax levy.

“This all raises concerns in my mind that the taxpayers of Macomb County would be indirectly funding the bankruptcy,” said Brown, a Washington Township Republican. “Certainly, we don’t want our $5 million, the $5 million that Macomb County sends to the arts authority, going toward anything like this. I’m looking for protections for us.”

Yet, Maccarone delivered one final startling message: If the county attempted a ballot proposal to negate the 10-year DIA tax levy, the judge might decide to step in and block the election.
County Executive Mark Hackel has appointed an assistant county attorney to serve as the county’s top legal adviser on an interim basis, he announced Tuesday.

John Schapka will serve as Macomb County Corporation Counsel while a candidate is sought to permanently fill the position following the county Board of Commissioner’s rejection last Thursday of Hackel’s nominee, Gabe Orzame, to fill the post.

Ralph “Skip” Maccarone, a former Shelby Township supervisor, had been serving in the post temporarily since former top lawyer George Brumbaugh retired last month. But Maccarone had planned to serve for only a short time, part-time.

Schipka, who lives in Harrison Township with his wife and children, has been an assistant corporation counsel for one year. He worked for 18 years with the City of Detroit Law Department and nine years with the U.S. Army Judge Advocate for General Corps, according to county officials.

“I am pleased that John was able to take this assignment on a full-time basis,” Hackel said in a press release. “I’d like to thank Skip for the time he was able to provide.”
John Schapka named interim chief legal counsel in Macomb County

By Christina Hall Detroit Free Press Staff Writer Filed Under Local News Macomb County Mark Hackel
Aug. 14

Purchase Image

In this Nov. 1, 2001 file photo, John Schapka, then-supervising assistant corporation counsel for the city of Detroit, looks on outside after a federal judge threw out the Tamara Greene case outside Federal Court in Detroit. Schapka has been named interim chief legal counsel for Macomb County. / Andre J. Jackson/Detroit Free Press

Macomb County Executive Mark Hackel today appointed John Schapka as interim chief legal counsel for the county.

Schapka, an assistant corporation counsel for a year, is to serve while a candidate is sought to fill the position permanently. Last week, county commissioners rejected Hackel’s appointee for the post, Gabriel Orzame Jr., the first time the board has failed to confirm a Hackel appointee.

Schapka replaces former interim Corporation Counsel Ralph (Skip) Maccarone, who filled the position on a part-time basis. A week before the board rejected Orzame, he and Maccarone were introduced at a meet-and-greet at the county administrative building that also marked the retirement of former Corporation Counsel George Brumbaugh.

In a release, Hackel said Schapka will work in the interim position full time. Schapka worked for 18 years with the city of Detroit Law Department and nine years with the U.S. Army Judge Advocate for General Corps, according to the release.
Macomb board subpoenas medical examiner

BY JEREMY SELWESKI
jselweski@caneguews.com

MACOMB COUNTY — For the first time ever, the Macomb County Board of Commissioners exercised its authority to subpoena an individual when it ordered that the county medical examiner, Dr. Daniel Spitz, appear before them later this month.

The 13-member board voted unanimously on July 25 in support of a resolution to subpoena Spitz to present himself at the board’s next regular meeting on Aug. 15. Commissioner Kathy Voisburg, R-Chesterfield Township, was absent from the meeting. Although the board has never before utilized this power, Chairman Dave Flynn, D-Sterling Heights, cited a section of the county charter that gives it the ability to do so, if necessary.

According to Flynn, the board has sent six unsatisfied requests for Spitz to appear before its Health and Human Services Committee since January 2012. The commissioners are seeking the production of documents and information related to the duties of the Medical Examiner’s Office, including the prioritization of examinations, the overall workload, the pursuit of national accreditation, Spitz’s contract with Macomb County and other details about the day-to-day operations within the department.

“Subpoena an individual at this level is not something that the board takes lightly, but this was clearly a situation that merited a subpoena,” Flynn said. “We’re just looking to obtain some basic information about the Medical Examiner’s Office, and Dr. Spitz has left us with no other options.”

When reached in his office on Aug. 2, Spitz preferred not to comment on the issue. He also could not say whether he would appear before the board on Aug. 15 or try to fight the subpoena in court.

Meanwhile, County Executive Mark Hackel, D-Macomb Township, dismissed the board’s subpoena as a blatant attempt to stir up controversy and gain media attention.

“The quality of the work at that office is something that the board is very concerned about, from a liability standpoint,” Flynn said. “Spitz’s caseload is just too big. He does too many autopsies every year, and that’s the reason why he still has not earned his accreditation. Would you personally go to any medical professional who is not accredited?”

“We also want to know how much of Dr. Spitz’s time is actually devoted to Macomb County cases,” he continued. “Frankly, Macomb County needs its own dedicated medical examiner, not a contract employee.”

Flynn also noted that the board has received numerous complaints from Spitz’s employees claiming that he has created “a disruptive work environment” because of an aggressive and combative management style. Four employees of the Medical Examiner’s Office have either quit or retired early in the past year, allegedly due to mistreatment by Spitz.

“These allegations may or may not be true,” Flynn said, “but we at least want to hear an explanation from him about them. We have a lot of questions about the day-to-day operations of his office.”

Another sticking point for the board is the terms and conditions of the contract for Spitz Pathology Group. That agreement, which was approved in July 2012, includes about $377,000 in annual compensation, the addition of a second medical examiner and new administrative duties. By comparison, Spitz’s previous agreement as a single contract employee included a salary of about $200,000 per year.

“I understand why this contract is good for Dr. Spitz, but I don’t understand why it’s good for Macomb County,” Flynn said.

The chairman stated that Spitz’s contract was never approved by the Board of Commissioners because it was drafted while the board was in the midst of a lengthy legal battle with Hackel over which party had the authority to approve county government contracts — a battle that was Ultimately won by the board. A copy of the contract indicates that it was signed by representatives from the office of the county executive, the corporation counsel, the finance department and the risk manager. However, records from the Board of Commissioners’ May 22 meeting show that the board adopted a resolution in support of the contract almost a year later.

“It’s so glaringly misleading what the board is trying to do,” Hackel said. “(Spitz) didn’t get a pay raise — his new contract is a lot bigger because, now, he has to pay all the employees who work for his company. There’s absolutely nothing wrong with that contract as-is.”

Hackel also pointed out a potential dilemma that could surface if Spitz is questioned before the board. “To even talk about some of these things in a public forum would be extremely inappropriate,” he said. “Dr. Spitz is a key witness in a number of important criminal cases, so he cannot be interrogated like this. The board is stepping into an area that is not only none of their business, but that could create a tremendous legal problem for the Macomb County.”

But Flynn stressed that the board is not backing down from its subpoenas. He said that “a line was drawn in the sand” when representatives from Hackel’s office told them on July 25 that Spitz would not appear before them. The board has several options at its disposal, should Spitz ignore the subpoenas, he explained, including a request for a court mandate.

“I should also mention that Dr. Spitz’s contract expires at the end of this year,” Flynn said. “If he does not appear before us, then I highly doubt that it will be renewed.”
BOARD OF COMMISSIONERS
MACOMB COUNTY, MICHIGAN

Resolution No. 13-___

A Resolution Supporting the Human Services Board’s Management
of the Martha T. Berry Medical Care Facility

Whereas, the Macomb County Human Services Board is authorized pursuant to subsections 55(c) and 58(1) of the Social Welfare Act, 1939 PA 280, to supervise and manage the Martha T. Berry County Medical Care Facility; and

Whereas, Since 2009, the Human Services Board has managed Martha T. Berry pursuant to the terms of the Joint Operating Agreement dated January 22, 2009, among the Commission, the Human Services Board, and the several labor unions representing the employees of Martha T. Berry; and

Whereas, Charter section 11.4 provides that “all existing County offices, boards, commissions, and departments existing on the date this Charter becomes effective shall continue and perform their duties unless reorganized or discontinued by an Organization Plan;” and

Whereas, the Executive’s County Organization Plan provides that the Human Services Board will exercise its full statutory operating authority over Martha T. Berry, and that Organization Plan has never been amended and cannot be amended without Commission approval; and

Whereas, on July 9, 2013, the Office of the County Executive sent a memorandum to the Human Services Board indicating that Office of the County Executive would assume control over Martha T. Berry and directed other County departments to cease payments to outside legal counsel for the Human Services Board, including those for complex Medicaid reimbursement appeals; and

Whereas, on July 26, 2013, the Office of the County Executive issued an executive directive taking over operation and supervision responsibilities over the Martha T. Berry Medical Care Facility; and

Whereas, under section 3.5(a) of the Charter, the County Executive’s authority to control and manage County facilities is limited by state law and is subject to the terms of the Executive’s Organization Plan; and

Whereas, the Commission believes that the Human Services Board is best suited to continue to manage and oversee Martha T. Berry because of its experience with and knowledge of complicated Medicare and Medicaid regulations, and wishes to ensure that the patients and families that rely on the service provided by Martha T. Berry continue to receive the best possible medical care available in the most efficient manner.

Therefore, it is resolved that:
1. The Commission fully supports the Human Services Board in its efforts to retain its management responsibilities over Martha T. Berry Medical Care Facility as is provided in state law, the Joint Operating Agreement, and the County Organization Plan.

2. A copy of this Resolution shall be transmitted to the Human Services Board.

David Flynn, Chair  
Macomb County Board of Commissioners  

Carmella Sabaugh  
Macomb County Clerk
Official Proclamation
Of the Board of Commissioners
Macomb County, Michigan

Proclaiming September 11 – September 17, 2012
As Patriot Week and September 17th as Constitution Day
In Macomb County

Commissioner Kathy D. Vosburg,
On Behalf of the Board of Commissioners,
Offers the Following Proclamation:

WHEREAS, the Macomb County Board of Commissioners proclaims September 11 – September 17, 2012 as Patriot Week and September 17th as Constitution Day in Macomb County; and

WHEREAS, on September 17, 1787, the delegates of the Constitutional Convention signed the Constitution of the United States of America; and

WHEREAS, the anniversary of the terrorist attacks on September 11 and the anniversary of the signing of the Constitution on September 17 are the anchors of Patriot Week; and

WHEREAS, during Patriot Week, a special focus and Founding Principle will be reflected upon on each day: September 11, the First Principle of Revolution; September 12, the First Principle of The Rule of Law; September 13, the First Principle of The Social Compact; September 14, the First Principle of Equality - Gender; September 15, the First Principle of Equality - Race; September 16, the First Principle of Unalienable Rights; September 17, the First Principle of Limited Government; and

WHEREAS, it is important to place emphasis on renewing our American spirit and promote a deeper understanding and appreciation for what makes this country great.

NOW THEREFORE, Be It Resolved By The Board Of Commissioners, Speaking For And On Behalf Of All County Citizens As Follows:

I

THAT BY THESE PRESENTS, the Macomb County Board of Commissioners hereby proclaims September 11 – September 17, 2012 as Patriot Week and September 17, 2012 as Constitution Day in Macomb County. The Board urges all residents to renew the American spirit and participate in Patriot Week activities.

II

BE IT FURTHER RESOLVED, that a suitable copy of this Proclamation will be transmitted to the Macomb County Delegation.
July 26, 2013

Macomb County
Office of the Executive
1 S. Main Street, 8th Floor
Mt. Clemens, MI 48043

Dear FOIA Coordinator, Office of the County Executive:

Under the Michigan Freedom of Information Act § 15.231 et seq., this letter is to serve as a FOIA request for electronic copies of documents related to the Macomb County 2014-2016 budget. If electronic copies are unavailable, please indicate and provide us with an explanation of why such public records are unavailable in electronic format.

Specifically, I am requesting electronic copies of the following public records:

1. Microsoft Excel Workbooks, Files, spreadsheets, reports, or other public records submitted by all elected officials and department heads to the Finance Director for their 2014-2016 budget requests. The Microsoft Excel Workbook contains, among other things, four or more Microsoft Excel Worksheets which are titled: (1) Positions, (2) Budget Sheet, (3) Salary Schedule, and (4) Salary and Fringes. These completed Microsoft Excel Workbooks were requested by Pete Provenzano, Finance Director, on April 15, 2013, via a memo entitled “2014-2016 Budgets,” which was emailed to all Elected Officials and Department Heads.

2. Any and all emails, letters, or communications related to the information requested above regarding 2014-2016 budget requests in the Office of the County Executive’s possession.

3. The “brief financial narrative describing the cost savings and changes to personnel,” also requested from elected officials and department heads by Pete Provenzano, Finance Director, through the same memo, and any other public records, communications or report containing such information.

The Board respectfully requests a waiver of all fees associated with this request in that the disclosure of the requested information is in the public interest and will contribute significantly to the public’s understanding of the expenditure of taxpayer dollars.

Please let me know if you have any questions concerning this request. Thank you in advance for your cooperation and for fulfilling the request within the FOIA’s five-day timeframe.

Sincerely,

David Flynn
Chairman

MACOMB COUNTY BOARD OF COMMISSIONERS

David J. Flynn – Board Chair
District 4

Kathy Tocco – Vice Chair
District 11

Mike Boyle – Sergeant-At-Arms
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Kathy Vosburg – District 8

Fred Miller – District 9

Bob Smith – District 12

Joe Sabatini – District 13
August 1, 2013

David J. Flynn, Chairman
Macomb County Board of Commissioners
One S. Main, 9th Floor
Mount Clemens, MI 48043

Dear Chairman Flynn:

Re: Freedom of Information Act Request

This correspondence is to advise you that the Office of County Executive is extending for 10 business days the period during which the Office will respond to your request.

Yours very truly,

[Signature]
Jill K. Smith
Assistant Corporation Counsel
August 14, 2013

David J. Flynn, Chairman
Macomb County Board of Commissioners
One S. Main, 9th Floor
Mount Clemens, MI 48043

Dear Chairman Flynn:

Re: Freedom of Information Act Request

Your request is granted. The cost of copying the records you requested is $300.00. Please send a check or money order made payable to the Macomb County in that amount to this office. Once we have received payment, the records will be forwarded to you.

Yours very truly,

Jill K. Smith
Assistant Corporation Counsel