

**OAKLAND COUNTY**  
**BOARD OF COMMISSIONERS**  
**MINUTES**

January 22, 2004

Meeting called to order by Chairperson Thomas Law at 9:50 a.m. in the Courthouse Auditorium, 1200 N. Telegraph Road, Pontiac, Michigan.

Roll called.

PRESENT: Bullard, Coleman, Coulter, Crawford, Douglas, Gregory, Hatchett, Jamian, Knollenberg, Kowall, Law, Long, McMillin, Middleton, Moffitt, Moss, Palmer, Patterson, Potter, Rogers, Scott, Suarez, Webster, Wilson, Zack. (25)

ABSENT: None. (0)

Quorum present.

Invocation given by John Scott.

Pledge of Allegiance to the Flag.

Moved by Long supported by Hatchett the minutes of the January 8, 2004 Board Meeting be approved.

A sufficient majority having voted therefore, the minutes were approved as printed.

Moved by Webster supported by Rogers the rules be suspended and the agenda be amended by removing General Government Committee, item b: Board of Commissioners – Oakland County Senior Prescription Discount Program Extension.

Vote on agenda as amended:

AYES: Bullard, Coleman, Coulter, Crawford, Douglas, Gregory, Hatchett, Jamian, Knollenberg, Kowall, Law, Long, McMillin, Middleton, Moffitt, Moss, Palmer, Patterson, Potter, Rogers, Scott, Suarez, Webster, Wilson, Zack. (25)

NAYS: None. (0)

A sufficient majority having voted therefore, the motion to suspend the rules and amend the agenda carried.

Chairperson Thomas A. Law along with Commissioners Eric Wilson, Tom McMillin, and William Patterson presented a proclamation to the Lake Orion High School Boys' Soccer Team recognizing them as the Division I District and League Champions, as well as the OAA Division II Champions, and commending them for representing the Lake Orion community and Oakland County with championship-style and pride.

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Chairperson Thomas A. Law along with Commissioners Eric Wilson, Tom McMillin, and William Patterson presented a proclamation to Billy Weaver for his exceptional achievements and outstanding sportsmanship which has resulted in him receiving All District, All League, All Regional, All State honors, as well as being named an Adidas All-American, State of Michigan's Mr. Soccer, and as a member of the Michigan Dream Team.

Deputy Clerk/Register James VanLeuven read a communication from County Executive L. Brooks Patterson re-appointing Judith Cunningham and Gordon Snavelly to the Claims Review Committee.

Deputy Clerk/Register James VanLeuven read a communication from Commissioner Tom McMillin in regards to his earlier motion (which died due to lack of support) to discharge the Finance Committee concerning a resolution he had introduced reducing the travel budget for the Board of Commissioners.

Moved by Knollenberg supported by Douglas the resolutions on the Consent Agenda, be adopted (with accompanying reports being accepted). (The vote for this motion appears on page 40.) The resolutions on the Consent Agenda follow (annotated by an asterik {\*}):

**\*REPORT (MISC. #03358)**

BY: General Government Committee, William R. Patterson, Chairperson

**IN RE: TREASURER – e-Tax/@ccess – OAKLAND INTERNET PROPERTY TAX INQUIRY AND PAYMENT SYSTEM PROJECT**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

The General Government Committee, having reviewed Miscellaneous Resolution #03358 on January 12, 2004, reports with a recommendation that the resolution be adopted.

Chairperson, on behalf of the General Government Committee, I move acceptance of the foregoing report.

GENERAL GOVERNMENT COMMITTEE

**MISCELLANEOUS RESOLUTION #03358**

BY: Finance Committee, Chuck Moss, Chairperson

**IN RE: TREASURER – e-Tax/@ccess - OAKLAND INTERNET PROPERTY TAX INQUIRY AND PAYMENT SYSTEM PROJECT**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the Treasurer Office with support from Information Technology wishes to enhance the ability to collect current and delinquent taxes, through a new electronic property tax payment/collection system called e-Tax Payments; and

WHEREAS the project goal is to allow taxpayers the ability to pay delinquent and current taxes via the Internet through Access Oakland by March 1, 2004; and

WHEREAS the business objective of this project is to improve the flow of tax payments for both the County and for Local taxing units; and

WHEREAS this project will reduce the cost of collecting both current and delinquent taxes; and

WHEREAS benefits to the taxpayers include: improved customer satisfaction by offering an alternative method for paying their taxes and avoiding a trip to Pontiac for payment of delinquent taxes, or to their local taxing office (city, village hall, or township (CVT's)); and

WHEREAS there are many benefits both to Oakland County and the taxpayers which include:

1. Cost saving by reducing the need for clerks to look up tax delinquencies, reduced counter traffic, and cashier payment-processing time.
2. Increased cash flow from the project will result in increased investment interest earnings.
3. Improved customer service for both taxpayers and mortgage companies in accessing and paying their taxes.
4. Wait time for customers is reduced, and it will encourage E-government as an alternative to face to face service delivery; and

WHEREAS in Oakland County 40,000 plus properties are returned delinquent each year, and it is anticipated that 10% of those properties would use the Internet application to review and pay their

account, thereby increasing collections, and producing tangible benefits including cost savings, and cost avoidance; and

WHEREAS this project will not require additional staff, however, it will require funding for Information Technology Development of \$205,570; and

WHEREAS funding for this project is available in the General Fund, Designation for Operational Improvements, general ledger account #9407-001000, with an anticipated positive Return on Investment (ROI) in four (4) years.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners approves the development and implementation of the e-Tax Payment System.

BE IT FURTHER RESOLVED that the FY 2004 Budget be amended as follows:

<u>GENERAL FUND (101)</u>		<u>FY 2004</u>
<u>Revenues</u>		
1-90-190000-14000-1582	Planned Use of Fund Balance	\$205,570
3-90-310000-98636-8001	Operating Transfer Out	(\$205,570)
		<u>\$ -0-</u>
<u>INFORMATION TECHNOLOGY FUND (636)</u>		
<u>Revenues</u>		
3-18-636113-98101-1701	Operating Transfer In	\$ 205,570
<u>Expenditures</u>		
2-18-636172-24000-3348	Professional Services	<u>\$ 205,570</u>
		<u>\$ -0-</u>

Chairperson, on behalf of the Finance Committee, I move adoption of the foregoing resolution.

FINANCE COMMITTEE

**\*MISCELLANEOUS RESOLUTION #04001**

BY: Tom McMillin, District #11

**IN RE: ENVIRONMENTAL INFRASTRUCTURE FUND REIMBURSEMENT FOR PROJECT IN THE CITY OF AUBURN HILLS – FISCAL YEARS 2001, 2002 AND 2003 ALLOCATIONS**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the Oakland County Board of Commissioners established an Environmental Infrastructure Funds and Disbursement Policy per Miscellaneous Resolution #99093 in an effort to increase the share of dollars flowing into infrastructure projects for the County and its cities, villages and townships (CVTs); and

WHEREAS pursuant to the Disbursement Policy, The City of Auburn Hills has submitted a resolution of authorization to the County for reimbursement of expenses incurred in connection with an eligible environment remediation of improvement project; and

WHEREAS The City of Auburn Hills is requesting reimbursement for expenses directly related to the construction of the Vinewood Drain; and

WHEREAS the FY 2001, FY 2002 and FY 2003 authorized amount of funding for The City of Auburn Hills is \$119,533.16 annually from the Environmental Infrastructure Fund as repayment to The City of Auburn Hills for expenses incurred in connection with environmental remediation or improvement projects.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners approves the projects submitted by The City of Auburn Hills as eligible for reimbursement from the Environmental Infrastructure Fund.

BE IT FURTHER RESOLVED that the Board authorizes the FY 2001, FY 2002 and FY 2003 appropriations in the amount of \$119,533.16 annually from the Environmental Infrastructure Fund (Account #90-263232-41000-3985) to repay The City of Auburn Hills for expenses incurred with the construction of the Vinewood Drain, once proper invoices are presented.

Chairperson, I move the adoption of the foregoing resolution.

TOM MCMILLIN

Copy of letter from William R. Ross, City Manager – Auburn Hills, Attachments A, B, C, Check Request, letter from Glenn R. Appel, Project Engineer, Estimate of Project Cost for Vinewood Drain, and Apportionment for the Vinewood Drain on file in County Clerk's office.

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FISCAL NOTE (MISC #04001)

BY: Finance Committee, Chuck Moss, Chairperson

IN RE: ENVIRONMENTAL INFRASTRUCTURE FUND REIMBURSEMENT FOR PROJECT IN THE CITY OF AUBURN HILLS - FISCAL YEARS 2001, 2002 AND 2003 ALLOCATIONS

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

Pursuant to Rule XII-C of this Board, the Finance Committee has reviewed the above referenced resolution and finds:

1. Annual funding of \$119,533.16 is available in the Environmental Infrastructure Fund for FY 2001, FY 2002 and FY 2003 to reimburse the City of Auburn Hills for this project; no additional appropriation is required.
2. The Committee recommends adoption of this resolution.

FINANCE COMMITTEE

(The vote for this motion appears on page 40.)

**\*MISCELLANEOUS RESOLUTION #04003**

BY: Finance Committee, Chuck Moss, Chairperson

**IN RE: TREASURER'S OFFICE – APPROVAL OF THE COUNTY'S DEBT POLICY**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the County Treasurer, Members of the County Executive staff and the County Drain Commissioner have been working on formalizing the policies, procedures and guidelines used by the County in the issuing of its Debt; and

WHEREAS that combined effort has produced the Debt Management Policies and guidelines manual attached; and

WHEREAS the Association of Public Treasurers United States and Canada has reviewed the Debt Management Policies & Guidelines manual and has issued its coveted Debt Policy Certification.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners adopts the Debt Management Policies & Guidelines manual for Oakland County, as submitted by the County Treasurer.

BE IT FURTHER RESOLVED that this policy shall remain in effect until amended or replaced by action of the Board of Commissioners.

Chairperson, on behalf of the Finance Committee, I move the adoption of the foregoing resolution.

FINANCE COMMITTEE

Copy of Debt Management Policies and Guidelines, January 2004 on file in County Clerk's office.

(The vote for this motion appears on page 40.)

**\* MISCELLANEOUS RESOLUTION #04004**

BY: Finance Committee, Chuck Moss, Chairperson

**IN RE: TREASURER'S OFFICE - AUTHORIZATION TO BORROW AGAINST DELINQUENT 2003 TAXES**

To the Oakland County Board of Commissioners

Chairperson, Ladies And Gentlemen:

WHEREAS ad valorem real property taxes are imposed by the County and the local taxing units within the County on July 1 and/or December 1 of each year; and

WHEREAS a certain portion of these taxes remain unpaid and uncollected on March 1 of the year following assessment, at which time they are returned delinquent to the County's treasurer (the "Treasurer"); and

WHEREAS the Treasurer is bound to collect all delinquent taxes, interest and property tax administration fees that would otherwise be payable to the local taxing units within the County; and

WHEREAS the statutes of the State of Michigan authorize the County to establish a fund, in whole or in part from borrowed proceeds, to pay local taxing units within the County their respective shares of

delinquent ad valorem real property taxes in anticipation of the collection of those taxes by the Treasurer; and

WHEREAS the County Board of Commissioners (the "Board") has adopted a resolution authorizing the County's Delinquent Tax Revolving Fund (the "Revolving Fund Program"), pursuant to Section 87b of Act No. 206, Michigan Public Acts of 1893, as amended ("Act 206"); and

WHEREAS such fund has been established to provide a source of monies from which the Treasurer may pay any or all delinquent ad valorem real property taxes that are due the County, and any city, township, school district, intermediate school district, community college district, special assessment district, drainage district, or other political unit within the geographical boundaries of the County participating in the County's Revolving Fund Program pursuant to Act 206 ("local units"); and

WHEREAS the Treasurer is authorized under Act 206, and has been directed by the Board, to make such payments with respect to delinquent ad valorem real property taxes (including the property tax administration fees assessed under subsection (6) of Section 44 of Act 206) owed in 2003 to the County and the local units (collectively, the "taxing units") that will have remained unpaid on March 1, 2004 and the Treasurer is authorized to pledge these amounts in addition to any amounts not already pledged for repayment of prior series of notes (or after such prior series of notes are retired as a secondary pledge) all as the Treasurer shall specify in an order when the notes authorized hereunder are issued (the "Delinquent Taxes"); and

WHEREAS the Board has determined that in order to raise sufficient monies to adequately fund the Revolving Fund, the County must issue its General Obligation Limited Tax Notes, Series 2004 in one or more series, in accordance with Sections 87c, 87d, 87e, 87f, 87g and 89 of Act 206 and on the terms and conditions set forth below.

Now therefore be it resolved by the Oakland County Board of Commissioners as follows:

I.

GENERAL PROVISIONS

101. Establishment of 2004 Revolving Fund. In order to implement the continuation of the Revolving Fund Program and in accordance with Act 206, the County hereby establishes a 2004 Delinquent Tax Revolving Fund (the "Revolving Fund") as a separate and segregated fund within the existing Delinquent Tax Revolving Fund of the County previously established by the Board pursuant to Section 87b of Act 206.
102. Issuance of Notes. The County shall issue its General Obligation Limited Tax Notes, Series 2004 in one or more series (the "Notes"), in accordance with this Resolution and Sections 87c, 87d, 87e, 87f, 87g and 89 of Act 206, payable in whole or in part from the Delinquent Taxes and/or from the other sources specified below.
103. Aggregate Amount of Notes.
  - (a) The Notes shall be issued in an aggregate amount to be determined by the Treasurer in accordance with this Section.
  - (b) The aggregate amount of the Notes shall not be less than the amount by which the actual or estimated Delinquent Taxes exceeds (i) the County's participating share of Delinquent Taxes, and (ii) any sums otherwise available to fund the Tax Payment Account established under Section 702 (including any monies held in respect of Section 704(c)).
  - (c) The aggregate amount of the Notes shall not be greater than the sum of (i) the actual amount of the Delinquent Taxes pledged to the payment of debt service on the Notes, plus (ii) the amount determined by the Treasurer to be allocated to a reserve fund. Original proceeds of the Notes devoted to a reserve fund shall not exceed the lesser of (A) the amount reasonably required for those of the Notes secured by the reserve fund, (B) 10% of the proceeds of such Notes, (C) the maximum amount of annual debt service on such Notes, or (D) 125% of average annual debt service on such Notes.
  - (d) The aggregate amount of the Notes shall be designated by the Treasurer by written order after (i) the amount of the Delinquent Taxes, or the amount of Delinquent Taxes to be funded by the issuance of the Notes, has been estimated or determined, and (ii) the amount of the reasonably required reserve fund has been calculated. Delinquent Taxes shall be estimated based on delinquencies experienced during the past three fiscal years and on demographic and economic data relevant to the current tax year, and shall be

determined based on certification from each of the taxing units. The amount of the reasonably required reserve fund shall be calculated pursuant to such analyses and certificates as the Treasurer may request.

104. Proceeds. If the Notes are issued and sold before the Treasurer has received certification from the taxing units of the amount of the Delinquent Taxes and if such certification is not reasonably anticipated to occur to allow distribution of the proceeds of the Notes within 20 days after the date of issue, the proceeds of the Notes shall be deposited in the County's 2004 Delinquent Tax Project Account and thereafter used to fund the whole or a part of the County's 2004 Tax Payment Account, 2004 Note Reserve Account and/or 2004 Note Payment Account, subject to and in accordance with Article VII. If the Notes are issued and sold on or after such time, the proceeds of the Notes shall be deposited directly into the County's 2004 Tax Payment Account, 2004 Note Reserve Account and/or 2004 Note Payment Account, as provided in Article VII.
105. Treasurer's Order Authorizing Notes and Establishing Delinquent Taxes. At or prior to the time any Notes are issued pursuant to this resolution, the Treasurer, as authorized by Act 206, may issue a written order specifying the amount and character of the Delinquent Taxes, the Article or Articles under which the Notes are being issued and any other matters subject to the Treasurers control under either this resolution or Act 206.

II.

FIXED MATURITY NOTES

201. Authority. At the option of the Treasurer, exercisable by written order, Notes may be issued in accordance with this Article II. All reference to "Notes" in Article II refers only to Notes issued pursuant to Article II, unless otherwise specified.
202. Date. The Notes shall be dated as of the date of issue or as of such earlier date specified by written order of the Treasurer.
203. Maturity and Amounts. Notes issued pursuant to this Article II shall be structured in accordance with subsections (a) or (b) below as determined by the Treasurer pursuant to written order.
  - (a) The first maturity of the Notes or of a series of the Notes shall be determined by the Treasurer pursuant to written order, but shall not be later than two years after the date of issue. Later maturities of the Notes shall be on the first anniversary of the preceding maturity or on such earlier date as the Treasurer may specify by written order. The Notes shall be structured with the number of maturities determined by the Treasurer to be necessary or appropriate, and the last maturity shall be scheduled for no later than the fourth anniversary of the date of issue. The amount of each maturity shall be set by the Treasurer when the amount of Delinquent Taxes is determined by the Treasurer or when a reliable estimate of the Delinquent Taxes is available to the Treasurer. In determining the exact amount of each maturity the Treasurer shall consider the schedule of delinquent tax collections prepared for the tax years ending December 31, 2003, and the corollary schedule setting forth the anticipated rate of collection of those Delinquent Taxes which are pledged to the repayment of the Notes. The amount of each maturity and the scheduled maturity dates of the Notes shall be established to take into account the dates on which the Treasurer reasonably anticipates the collection of such Delinquent Taxes and shall allow for no more than a 10% variance between the debt service payable on each maturity date. The Notes, and the anticipated amount of pledged monies available on such maturity date to make payment of such debt service.
  - (b) Alternatively, the Notes or a series of the Notes may be structured with a single stated maturity falling not later than the fourth anniversary of the date of issue. Notes issued under this subsection (b) shall be subject to redemption on such terms consistent with Section 209 as shall be ordered by the Treasurer, but in no event shall such Notes be subject to redemption less frequently than annually.
204. Interest Rate and Date of Record.
  - (a) Except as otherwise provided in this paragraph, Notes issued pursuant to subsection (a) of Section 203 shall bear interest payable semi-annually, with the first interest payment to be payable (i) on the first date, after issuance, corresponding to the

day and month on which the maturity of such Notes falls, or (ii) if the Treasurer so orders, six months before such date. In the event (i) any maturity of the Notes arises either less than six months before the succeeding maturity date or less than six months after the preceding maturity date and (ii) the Treasurer so orders in writing, interest on the Notes shall be payable on such succeeding or preceding maturity date. Subject to the following sentence, Notes issued pursuant to subsection (b) of Section 203 shall, pursuant to written order of the Treasurer, bear interest monthly, quarterly, or semiannually, as provided by written order of the Treasurer. If Notes issued under this Article II are sold with a variable rate feature as provided in Article IV, such Notes may, pursuant to written order of the Treasurer, bear interest weekly, monthly, quarterly or on any put date, or any combination of the foregoing, as provided by written order of the Treasurer.

(b) Interest shall not exceed the maximum rate permitted by law.

(c) Interest shall be mailed by first class mail to the registered owner of each Note as of the applicable date of record, provided, however, that the Treasurer may agree with the Registrar (as defined below) on a different method of payment.

d) Subject to Section 403 in the case of variable rate Notes, the date of record shall be not fewer than 14 nor more than 31 days before the date of payment, as designated by the Treasurer prior to the sale of the Notes.

205. Note Form. The form of Note shall be consistent with the prescriptions of this Resolution and shall reflect all material terms of the Notes. Unless the Treasurer shall by written order specify the contrary, the Notes shall be issued in fully registered form both as to principal and interest, registrable upon the books of a note registrar (the "Registrar") to be named by the Treasurer. If the Notes are issued in bearer form the Treasurer shall appoint a paying agent (the "Paying Agent"). (The Registrar or Paying Agent so named may be any bank or trust company or other entity, including the County, offering the necessary services pertaining to the registration and transfer of negotiable securities.)

206. Denominations and Numbers. The Notes shall be issued in one or more denomination or

207. Transfer or Exchange of Notes.

(a) Notes issued in registered form shall be transferable on a note register maintained with respect to the Notes upon surrender of the transferred Note, together with an assignment executed by the registered owner or his or her duly authorized attorney-in-fact in form satisfactory to the Registrar. Upon receipt of a properly assigned Note, the Registrar shall authenticate and deliver a new Note or Notes in equal aggregate principal amount and like interest rate and maturity to the designated transferee or transferees.

(b) Notes may likewise be exchanged for one or more other Notes with the same interest rate and maturity in authorized denominations aggregating the same principal amount as the Note or Notes being exchanged, upon surrender of the Note or Notes and the submission of written instructions to the Registrar or, in the case of bearer Notes, to the Paying Agent. Upon receipt of a Note with proper written instructions the Registrar or Paying Agent shall authenticate and deliver a new Note or Notes to the owner thereof or to owner's attorney-in-fact.

(c) Any service charge made by the Registrar or Paying Agent for any such registration, transfer or exchange shall be paid for by the County as an expense of borrowing, unless otherwise agreed by the Treasurer and the Registrar or Paying Agent. The Registrar or Paying Agent may, however, require payment by a noteholder of a sum sufficient to cover any tax or other governmental charge payable in connection with any such registration, transfer or exchange.

208. Book Entry Depository Trust. At the option of the Treasurer, and notwithstanding any contrary provision of Section 212, the Notes may be deposited, in whole or in part, with a depository trustee designated by the Treasurer who shall transfer ownership of interests in the Notes by book entry and who shall issue depository trust receipts or acknowledgments to owners of interests in the Notes. Such book entry depository trust arrangement, and the form of depository trust receipts or acknowledgments, shall be as determined by the

Treasurer after consultation with the depository trustee. The Treasurer is authorized to enter into any depository trust agreement on behalf of the County upon such terms and conditions as the Treasurer shall deem appropriate and not otherwise prohibited by the terms of this Resolution. The depository trustee may be the same as the Registrar otherwise named by the Treasurer, and the Notes may be transferred in part by depository trust and in part by transfer of physical certificates as the Treasurer may determine.

209. Redemption.

(a) Subject to the authority granted the Treasurer pursuant to subsection (c) of this Section (in the case of fixed rate Notes) and to the authority granted the Treasurer pursuant to Section 404 (in the case of variable rate Notes), the Notes or any maturity or maturities of the Notes shall be subject to redemption prior to maturity on the terms set forth in subsection (b) below.

(b) Notes scheduled to mature after the first date on which any Notes of the series are scheduled to mature shall be subject to redemption, in inverse order of maturity, on each interest payment date arising after the date of issue.

(c) If the Treasurer shall determine such action necessary to enhance the marketability of the Notes or to reduce the interest rate to be offered by prospective purchasers on any maturity of the Notes, the Treasurer may, by written order prior to the issuance of such Notes, (i) designate some or all of the Notes as non-callable, regardless of their maturity date, and/or (ii) delay the first date on which the redemption of callable Notes would otherwise be authorized under subsection (b) above.

(d) Notes of any maturity subject to redemption may be redeemed before their scheduled maturity date, in whole or in part, on any permitted redemption date or dates, subject to the written order of the Treasurer. Notes called for redemption shall be redeemed at par, plus accrued interest to the redemption date, plus, if the Treasurer so orders, a premium of not more than 1%. Redemption may be made by lot or pro rata, as shall be determined by the Treasurer.

(e) With respect to partial redemptions, any portion of a Note outstanding in a denomination larger than the minimum authorized denomination may be redeemed, provided such portion as well as the amount not being redeemed constitute authorized denominations. In the event less than the entire principal amount of a Note is called for redemption, the Registrar or Paying Agent shall, upon surrender of the Note by the owner thereof, authenticate and deliver to the owner a new Note in the principal amount of the principal portion not redeemed.

(f) Notice of redemption shall be by first class mail 30 days prior to the date fixed for redemption, or such shorter time prior to the date fixed for redemption as may be consented to by the holders of all outstanding Notes to be called for redemption. Such notice shall fix the date of record with respect to the redemption if different than otherwise provided in this Resolution. Any defect in any notice shall not affect the validity of the redemption proceedings. Notes so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with a paying agent to redeem the same.

210. Discount. At the option of the Treasurer, the Notes may be offered for sale at a discount not to exceed 2%.

211. Public or Private Sale. The Treasurer may, at the Treasurer's option, conduct a public sale of the Notes after which sale the Treasurer shall either award the Notes to the lowest bidder or reject all bids. The conditions of sale shall be as specified in a published Notice of Sale prepared by the Treasurer announcing the principal terms of the Notes and the offering. Alternatively, the Treasurer may, at the Treasurer's option, negotiate a private sale of the Notes as provided in Act 206. If required by law, or if otherwise determined by the Treasurer to be in the best interest of the County, (a) the Notes shall be rated by a national rating agency selected by the Treasurer, (b) a good faith deposit shall be required of the winning bidder, and/or (c) CUSIP numbers shall be assigned to the Notes. If a public sale is conducted or if otherwise required by law or the purchaser of the Notes, the

Treasurer shall prepare or cause to be prepared and disseminated an offering memorandum or official statement containing all material terms of the offer and sale of the Notes. Pursuant to any sale of the Notes, the County shall make such filings, shall solicit such information and shall obtain such governmental approvals as shall be required pursuant to any state or federal law respecting back-up income tax withholding, securities regulation, original issue discount or other regulated matter.

212. Execution and Delivery. The Treasurer is authorized and directed to execute the Notes on behalf of the County by manual or facsimile signature, provided that if the facsimile signature is used the Notes shall be authenticated by the Registrar or any tender agent as may be appointed pursuant to Section 801(c). The Notes shall be sealed with the County seal or imprinted with a facsimile of such seal. The Treasurer is authorized and directed to then deliver the Notes to the purchaser thereof upon receipt of the purchase price. The Notes shall be delivered at the expense of the County in such city or cities as may be designated by the Treasurer.
213. Renewal, Refunding or Advance Refunding Notes. If at any time it appears to be in the best interests of the County, the Treasurer, by written order, may authorize the issuance of renewal, refunding or advance refunding Notes. The terms of such Notes, and the procedures incidental to their issuance, shall be set subject to Section 309 and, in appropriate cases, Article X.

### III.

#### SHORT TERM RENEWABLE NOTES

301. Authority. At the option of the Treasurer, exercisable by written order, Notes may be issued in accordance with this Article III. All references to "Notes" in Article III refer only to Notes issued pursuant to Article III, unless otherwise specified.
302. Date and Maturity. The Notes shall be dated as of their date of issuance or any prior date
303. Interest and Date of Record. The Notes shall bear interest payable at maturity at such rate or rates as may be determined by the Treasurer not exceeding the maximum rate of interest permitted by law on the date the Notes are issued. The date of record shall be not fewer than two nor more than 31 days before the date of payment, as designated by the Treasurer prior to the sale of the Notes.
304. Note Form. The form of Note shall be consistent with the prescriptions of this Resolution and shall reflect all material terms of the Notes. The Notes shall, in the discretion of the Treasurer and consistent with Section 205, either be payable to bearer or be issued in registered form. If issued in registered form, the Notes may be constituted as book-entry securities consistent with Section 208, notwithstanding any contrary provision of Section 308.
305. Denomination and Numbers. The Notes shall be issued in one or more denomination or denominations, as determined by the Treasurer. The Notes shall be numbered from one upwards in such order as the Treasurer determines.
306. Redemption. The Notes shall not be subject to redemption prior to maturity.
307. Sale of Notes. The authority and obligations of the Treasurer set forth in Sections 210 and 211 respecting Fixed Maturity Notes shall apply also to Notes issued under Article III.
308. Execution and Delivery. The authority and obligations of the Treasurer set forth in Section 212 respecting Fixed Maturity Notes shall also apply to Notes issued under Article III.
309. Renewal or Refunding Notes.
- (a) The Treasurer may by written order authorize the issuance of renewal or refunding Notes (collectively the "Renewal Notes"). Renewal Notes shall be sold on the maturity date of, and the proceeds of the Renewal Notes shall be applied to the payment of debt service on, Notes to be renewed. The maturities and repayment terms of the Renewal Notes shall be set by written order of the Treasurer.
  - (b) In the order authorizing Renewal Notes, the Treasurer shall specify whether the Notes shall be issued in accordance with this Article III, in which event the provisions of Article III shall govern the issuance of the Notes, or whether the Notes shall be issued in

accordance with Article II, in which event the provisions of Article II shall govern the issuance of the Notes. The order shall also provide for and shall also govern with respect to:

- (i) the aggregate amount of the Renewal Notes;
- (ii) the date of the Renewal Notes;
- (iii) the denominations of the Renewal Notes;
- (iv) the interest payment dates of the Renewal Notes;
- (v) the maturity or maturities of the Renewal Notes;
- (vi) the terms of sale of the Renewal Notes;
- (vii) whether any Renewal Notes issued in accordance with Article II shall be subject to redemption and, if so, the terms thereof; and
- (viii) any other terms of the Renewal Notes consistent with, but not specified in, Article II or Article III.

(c) Regardless of whether Renewal Notes need be approved by prior order of the Department of Treasury, the Treasurer, pursuant to Section 89(5)(d) of Act 206, shall promptly report to the Department of Treasury the issuance of any Renewal Notes.

IV.

VARIABLE INTEREST RATE

401. Variable Rate Option. At the option of the Treasurer, exercisable by written order, the Notes, whether issued pursuant to Article II or Article III, may be issued with a variable interest rate, provided that the rate shall not exceed the maximum rate of interest permitted by law.
402. Determination of Rate. The order of the Treasurer shall provide how often the variable interest rate shall be subject to recalculation, the formula or procedure for determining the variable interest rate, whether and on what terms the rate shall be determined by a remarketing agent in the case of demand obligations consistent with Section 801(d), and whether and on what terms a fixed rate of interest may be converted to or from a variable rate of interest. Such formula or procedure shall be as determined by the Treasurer, but shall track or float within a specified percentage band around the rates generated by any one or more of the following indices:
- (i) Publicly reported prices or yields of obligations of the United States of America;
  - (ii) An index of municipal obligations periodically reported by a nationally recognized source;
  - (iii) The prime lending rate from time to time set by any bank or trust company in the
  - (iv) Any other rate or index that may be designated by order of the Treasurer provided such rate or index is set or reported by a source which is independent of and not controlled by the Treasurer or the County.

The procedure for determining the variable rate may involve one or more of the above indices as alternatives or may involve the setting of the rate by a municipal bond specialist provided such rate shall be within a stated percentage range of one or more of the indices set forth above.

403. Date of Record. The Date of Record shall be not fewer than one nor more than 31 days before the date of payment, as designated by written order of the Treasurer.
404. Redemption. Notwithstanding any contrary provision of subsections (b) and (c) of Section 209, but subject to the last sentence of this Section 404, Notes bearing interest at a variable rate may be subject to redemption by the County and/or put by the holder at any time or times and in any order, as may be determined pursuant to written order of the Treasurer. Notes shall not be subject to redemption more frequently than monthly.
405. Remarketing, Repurchase and Resale.
- (a) In the event Notes issued under this Article IV are constituted as demand obligations, the interest rate on the Notes shall be governed by, and shall be subject to, remarketing

by a remarketing agent appointed in accordance with Section 801(c), under the terms of a put agreement employed in accordance with Section 801(d).

(b) The County shall be authorized, consistent with Act 206 and pursuant to order of the Treasurer, to participate in the repurchase and resale of Notes in order to reduce the cost of, or increase the revenue, attendant to the establishment of the Revolving Fund and the issuance and discharge of the Notes. Any purchase of Notes pursuant to this subsection (b) shall be made with unpledged monies drawn from revolving funds established by the County in connection with retired general obligation limited tax notes.

V.

MULTIPLE SERIES

501. Issuance of Multiple Series. At the option of the Treasurer, exercisable by written order, the Notes issued under Article II, Article III or Article X may be issued in two or more individually designated series. Each series shall bear its own rate of interest, which may be fixed or variable in accordance with Article IV. Various series need not be issued at the same time and may be issued from time to time in the discretion of the Treasurer exercisable by written order. In determining the dates of issuance of the respective series, the Treasurer shall consider, among other pertinent factors, the impact the dates selected may have on the marketability, rating and/or qualification for credit support or liquidity support for, or insurance of, the Notes. The Notes of each such series shall be issued according to this Resolution in all respects (and the term "Notes" shall be deemed to include each series of Notes throughout this Resolution), provided that:

(a) The aggregate principal amount of the Notes of all series shall not exceed the maximum aggregate amount permitted under Section 103;

(b) Each series shall be issued pursuant to Article II or Article III, and different series may be issued pursuant to different Articles;

(c) Each series shall be issued pursuant to Section 502 or Section 503, and different series may be issued pursuant to different Sections;

(d) A series may be issued under Article II for one, two, or three of the annual maturities set forth in Article II with the balance of the annual maturities being issued under Article II or under Article III in one or more other series, provided that the minimum annual maturities set forth in Section 203 shall be reduced and applied pro rata to all Notes so issued; and

(e) The Notes of all series issued pursuant to Article II above shall not, in aggregate, mature in amounts or on dates exceeding the maximum authorized maturities set forth in Section 203.

502. Series Secured Pari Passu. If the Notes are issued in multiple series pursuant to this Article V, each series of Notes may, by written order of the Treasurer, be secured *pari passu* with the other by the security described in and the amounts pledged by Article VII below. Moreover, such security may, pursuant to further order of the Treasurer, be segregated in accordance with the following provisions.

(a) The Treasurer may by written order establish separate sub-accounts in the County's 2004 Note Reserve Account for each series of Notes, into which shall be deposited the amount borrowed for the Note Reserve Account for each such series.

(b) The Treasurer may by written order establish separate sub-accounts in the County's 2004 Note Payment Account for each series of Notes, and all amounts deposited in the Note Payment Account shall be allocated to the sub-accounts.

(c) (i) In the event separate sub-accounts are established pursuant to subsection (b) above, and subject to Paragraph (ii) below, the percentage of deposits to the County's 2004 Note Payment Account allocated to each sub-account may be set equal to the percentage that Notes issued in the corresponding series bears to all Notes issued under this Resolution or to any other percentage designated by the Treasurer pursuant to written order; provided that if the various series are issued at different times or if the various series are structured with different maturity dates, (I) sums deposited in the Note Payment Account prior to the issuance of one or more series may upon the issuance of

each such series be reallocated among the various sub-accounts established under Subsection (b) above to achieve a balance among the sub-accounts proportionate to the designated percentage allocation, and/or (II) deposits to the Note Payment Account may be allocated among the sub-accounts according to the total amount of debt service that will actually be paid from the respective sub-accounts.

(ii) Alternatively, the Treasurer may, by written order, rank the sub-accounts established under Subsection (b) above in order of priority, and specify that each such sub-account shall receive deposits only after all sub-accounts having a higher priority have received deposits sufficient to discharge all (or any specified percentage of) Notes whose series corresponds to any of the sub-accounts having priority.

(d) In the absence of a written order of the Treasurer to the contrary, the amounts in each sub-account established pursuant to this Section 502 shall secure only the Notes issued in the series for which such sub-account was established, until such Notes and interest on such Notes are paid in full, after which the amounts in such sub-account may, pursuant to written order of the Treasurer, be added pro rata to the amounts in the other sub-accounts and thereafter used as part of such other sub-accounts to secure all Notes and interest on such Notes for which such other sub-accounts were created, until paid in full. Alternatively, amounts held in two or more sub-accounts within either the Note Reserve Account or the Note Payment Account may be commingled, and if commingled shall be held *pari passu* for the benefit of the holders of each series of Notes pertaining to the relevant sub-accounts.

503. Series Independently Secured. If the Notes are issued in multiple series pursuant to this Article V, each series of Notes may, by written order of the Treasurer, be independently secured in accordance with this Section 503.

(a) Each series of Notes shall pertain to one or more taxing units, as designated by the Treasurer pursuant to written order, and no two series of Notes shall pertain to the same taxing unit. A school district, intermediate school district, or community college district extending beyond the boundaries of a city in which it is located may, pursuant to written order of the Treasurer, be subdivided along the boundaries of one or more cities and each such subdivision shall be deemed a taxing unit for purposes of this Section 503.

(b) Separate sub-accounts shall be established in the County's 2004 Tax Payment Account. Each sub-account shall receive the proceeds of one and only one series of Notes, and amounts shall be disbursed from the sub-account to only those taxing units designated as being in that series.

(c) In the event Notes are issued for deposit into the Project Account established under Section 701, separate sub-accounts shall be established in the Project Account. Each sub-account shall receive the proceeds of one and only one series of Notes, and amounts shall be disbursed from the sub-account only to accounts, sub-accounts and/or taxing units designated as being in the series corresponding to the sub-account from which disbursement is being made.

(d) A separate sub-account shall be established in the County's 2004 Note Reserve Account for each series of Notes, into which shall be deposited the amount determined by the Treasurer under Section 103 or Section 703 with respect to the series. Each sub-account shall secure one and only one series.

(e) A separate sub-account shall be established in the County's 2004 Note Payment Account for each series of Notes. Each sub-account shall be allocated only those amounts described in Section 704 which pertain to the taxing units included in the series corresponding to the sub-account. Chargebacks received from a taxing unit pursuant to Section 906 shall be deposited in the sub-account corresponding to the series in which the taxing unit is included. Amounts held in each sub-account shall secure the debt represented by only those Notes included in the series corresponding to the sub-account, and disbursements from each sub-account may be applied toward the payment of only those Notes included in the series corresponding to the sub-account.

(f) The amounts in each sub-account established pursuant to this Section 503 shall secure only the Notes issued in the series for which such sub-account was established until such Notes and interest on such Notes are paid in full, after which any amounts remaining in such sub-account shall accrue to the County and shall no longer be pledged toward payment of the Notes.

VI.

TAXABILITY OF INTEREST

601. Federal Tax. The County acknowledges that the current state of Federal law mandates that the Notes be structured as taxable obligations. Consequently, the Notes shall, subject to Article X, be issued as obligations the interest on which is not excluded from gross income for purposes of Federal income tax.
602. State of Michigan Tax. Consistent with the treatment accorded all obligations issued pursuant to Act 206, interest on the Notes shall be exempt from the imposition of the State of Michigan income tax and the State of Michigan single business tax, and the Notes shall not be subject to the State of Michigan intangibles tax.
603. Change in Federal Tax Status. In the event there is a change in the Federal tax law or regulations, a ruling by the U.S. Department of Treasury or Internal Revenue Service establishes that the Notes may be issued as exempt from Federal income taxes or a change in Michigan law causes the Notes in the opinion of counsel to be exempt from federal income taxes, the Notes may be so issued.

VII.

FUNDS AND SECURITY

701. Delinquent Tax Project Account. If the Notes are issued and sold before the Treasurer has received certification from the taxing units of the amount of the Delinquent Taxes and if such certification is not reasonably anticipated in time to allow distribution of the proceeds of the Notes within 20 days after the date of issue, a 2004 Delinquent Tax Project Account (the "Project Account") shall be established by the Treasurer as a separate and distinct fund of the County within its general fund. The Project Account shall receive all proceeds from the sale of the Notes, including any premium or accrued interest received at the time of sale. The Project Account shall be held in trust by an escrow agent until the monies therein are disbursed in accordance with this Article VII. The escrow agent shall be a commercial bank, shall be located in Michigan, shall have authority to exercise trust powers, and shall have a net worth in excess of \$25,000,000. The form and content of the agreement between the County and the escrow agent shall be approved by the Treasurer. Subject to the following sentence, monies deposited in the Project Account shall be expended only (i) for the purpose of funding the Tax Payment Account established under Section 702 and (ii) to the extent permitted by Act 206, for the purpose of paying the expenses of the offering of the Notes. In the event the Treasurer by written order so directs, additional funding of the Project Account may be undertaken, and any surplus proceeds remaining in the Project Account after the Treasurer has completed the funding of the Tax Payment Account may be transferred to either the 2004 Note Reserve Account created under Section 703 or the 2004 Note Payment Account created under Section 704. Monies in the Project Account may be disbursed by the escrow agent to the County's 2004 Tax Payment Account at any time and from time to time, upon receipt of a written requisition signed by the Treasurer.
702. 2004 Tax Payment Account. The County's 2004 Tax Payment Account (the "Tax Payment Account") is hereby established as a distinct account within the Revolving Fund. The Treasurer shall designate all or a portion of the proceeds of the Notes, not to exceed the amount of Delinquent Taxes, for deposit in the Tax Payment Account. If, however, the proceeds of the Notes are initially deposited in the Project Account pursuant to Section 701, the Treasurer is instead authorized and directed to transfer monies included in the Project Account in accordance with the procedures set forth in Section 701. The County shall apply the monies in the Tax Payment Account to the payment of the Delinquent Taxes or expenses of the borrowing in accordance with Act 206. The allocation of monies from

the Tax Payment Account may be made pursuant to a single, comprehensive disbursement or may instead be made from time to time, within the time constraints of Act 206, to particular taxing units as monies are paid into the Tax Payment Account, such that the source of the monies (whether from the County's own funds, from the proceeds of a tax exempt borrowing or from the proceeds of a taxable borrowing) may be traced to the particular taxing unit receiving the funds. Moreover, and regardless of whether multiple series of Notes are issued, the Tax Payment Account may be divided into separate sub-accounts in order to allow the Treasurer to designate which taxing units shall receive borrowed funds and which shall receive funds otherwise contributed by the County.

703. 2004 Note Reserve Account. In the event funding is provided as described in this Section 703, the Treasurer shall establish a 2004 Note Reserve Account (the "Note Reserve Account") as a distinct account within the Revolving Fund. After depositing all of the monies to fund the Tax Payment Account pursuant to Section 702, the Treasurer shall next transfer to the Note Reserve Account, either from the Project Account or directly from the proceeds of Notes, any proceeds remaining from the initial issuance of the Notes. In addition, the Treasurer may transfer unpledged monies from other County sources to the Note Reserve Account in an amount which, when added to any other amounts to be deposited in the Note Reserve Account, does not exceed the amount reasonably required for the Notes secured by the Reserve Account or, if less, 20% of the total amount of the Notes secured by the Reserve Account. Except as provided below, all monies in the Note Reserve Account shall be used solely for payment of principal of, premium, if any, and interest on the Notes to the extent that monies required for such payment are not available in the County's 2004 Note Payment Account. Monies in the Note Reserve Account shall be withdrawn first for payment of principal of, premium, if any, and interest on the Notes before County general funds are used to make the payments. All income or interest earned by, or increment to, the Note Reserve Account due to its investment or reinvestment shall be deposited in the Note Reserve Account. When the Note Reserve Account is sufficient to retire the Notes and accrued interest thereon, the Treasurer may order that the Note Reserve Account be used to purchase the Notes on the market, or, if the Notes are not available, to retire the Notes when due. If so ordered by the Treasurer, all or any specified portion of the Note Reserve Account may be applied toward the redemption of any Notes designated for redemption in accordance with Section 209.

704. 2004 Note Payment Account.

(a) The County's 2004 Note Payment Account is hereby established as a distinct account within the Revolving Fund. (The County's 2004 Note Payment Account, as supplemented by monies held in any interim account that are designated for transfer to the 2004 Note Payment Account, is herein referred to as the "Note Payment Account".) The Treasurer is directed to deposit into the Note Payment Account, promptly on receipt, those amounts described below in Paragraphs (i), (ii), (iv), and (v) that are not excluded pursuant to Subsection (c) below. Furthermore, the Treasurer may, by written order, deposit into the Note Payment Account all or any portion of the amounts described below in Paragraph (iii).

- (i) All Delinquent Taxes.
- (ii) All statutory interest on the Delinquent Taxes.
- (iii) All property tax administration fees on the Delinquent Taxes, net of any amounts applied toward the expenses of this borrowing.
- (iv) Any amounts that are received by the Treasurer from the taxing units within the County because of the uncollectability of the Delinquent Taxes.
- (v) Any amounts remaining in the Project Account after the transfers to the Tax Payment Account and Note Reserve Account have been made as specified in Sections 702 and 703.

(b) Monies in the Note Payment Account shall be used by the County to pay principal of, premium, if any, and interest on the Notes as the same become due and payable.

(c) (i) The Treasurer may by written order provide that only a portion of the sums described above in Subsection (a) shall be deposited into the Note Payment Account and applied toward the payment of debt service on the Notes, in which event those sums which are withheld from the Note Payment Account shall be deposited into the Tax Payment Account or, pursuant to further order of the Treasurer, applied toward any other purpose consistent with Act 206. The portion of any sums described in Subsection (a) which are withheld from the Note Payment Account pursuant to this Subsection shall be determined in accordance with the following Paragraph.

(ii) Prior to the issuance of the Notes, the Treasurer may by written order specify a cut-off date not earlier than March 1, 2004, and only those sums payable to the Note Payment Account and received by the County after the cut-off date shall be applied to the Note Payment Account.

(d) The Treasurer may by written order provide that at such time as sufficient funds shall have been deposited into the Note Payment Account to pay all remaining amounts owed under the Notes the pledge on any additional monies otherwise payable to the Note Payment Account shall be discharged and such monies shall not be deposited into the Note Payment Account or otherwise pledged toward payment of the Notes.

(e) The Treasurer may by written order provide that in the event Notes are issued pursuant to Article III, amounts that would otherwise be included in the Note Payment Account or the Note Reserve Account (or any sub-account therein for a particular series of Notes) shall not include any amounts received by the County prior to the latest maturity date of any series of Notes previously issued under Article II and/or Article III.

705. Limited Tax General Obligation and Pledge.

(a) The Notes shall be the general obligation of the County, backed by the County's full

(b) In addition, the monies listed below are pledged to the repayment of the Notes and, subject to Section 901, shall be used solely for repayment of the Notes until the principal of, premium (if any) and interest on the Notes are paid in full:

- (i) All amounts deposited or earned in any Project Account, until disbursed in accordance with Section 701;
- (ii) All net proceeds from the sale of the Notes deposited or earned in the Tax Payment Account, until disbursed in accordance with Section 702;
- (iii) All amounts deposited in the Note Payment Account pursuant to Section 704(a);
- (iv) All amounts deposited in the Note Reserve Account;
- (v) All amounts earned from the investment of monies held in the Note Payment Account or the Note Reserve Account; and
- (vi) Any supplemental monies placed in the Note Payment Account and drawn in the discretion of the Treasurer from unpledged sums on the revolving funds, which pledge shall be subject to such limitations or exceptions as shall be set forth in the written order of the Treasurer.

(c) If the Notes shall be issued in various series pursuant to Article V, this pledge shall in the case of any independently secured series extend only to monies in accounts or sub-accounts pertaining to the particular series.

(d) If the amounts so pledged are not sufficient to pay the principal and interest when due, the County shall pay the same from its general funds or other available sources. Pursuant to written order of the Treasurer, the County may later reimburse itself for such payments from the Delinquent Taxes collected.

706. Security for Renewal, Refunding or Advance Refunding Notes. Renewal, refunding, or advance refunding Notes shall be secured by all or any portion of the same security securing the Notes being renewed, refunded or advance refunded. The monies pledged in Section 705 for the repayment of the Notes are also pledged for the repayment of the principal of, premium, if any, and interest on any renewal, refunding, or advance refunding Notes issued pursuant to this Resolution, and any such renewal, refunding, or advance refunding Notes shall be the general obligation of the County, backed by its full faith and

credit, which shall include the tax obligation of the County, within applicable constitutional and statutory limits.

707. Use of Funds after Full Payment or Provisions for Payment. After all principal of, premium, if any, and interest on the Notes have been paid in full or provision made therefor by investments of pledged amounts in direct noncallable obligations of the United States of America in amounts and with maturities sufficient to pay all such principal, premium, if any, and interest when due, any further collection of Delinquent Taxes and all excess monies in any fund or account of the Revolving Fund, and any interest or income on any such amounts, may, pursuant to written order of the Treasurer and subject to Article V, be used for any proper purpose within the Revolving Fund including the securing of subsequent issues of notes.

#### VIII.

##### SUPPLEMENTAL AGREEMENTS

801. Supplemental Agreements and Documents. The Treasurer, on behalf of the County, is authorized to enter into any or all of the following agreements or commitments as may, in the Treasurer's discretion, be necessary, desirable or beneficial in connection with the issuance of the Notes, upon such terms and conditions as the Treasurer may determine appropriate:
- (a) A letter of credit, line of credit, repurchase agreement, note insurance, or similar instrument, providing backup liquidity and/or credit support for the Notes;
  - (b) A reimbursement agreement, revolving credit agreement, revolving credit note, or similar instrument, setting forth repayments of and security for amounts drawn under the letter of credit, line of credit, repurchase agreement or similar instrument;
  - (c) A marketing, remarketing, placement, authenticating, paying or tender agent agreement or dealer agreement designating a marketing, remarketing, authenticating, paying, tender or placement agent or dealer and prescribing the duties of such person or persons with respect to the Notes; and
  - (d) A put agreement or provision allowing the purchaser of the Notes to require the County to repurchase the Notes upon demand at such times as may be provided in such put agreement or provision.
  - (e) An agreement to use amounts formerly pledged to other years borrowings as security for the Notes when no longer so pledged.
802. Revolving Credit Notes. If the Treasurer enters into a revolving credit agreement (the "Agreement") pursuant to Section 801 above, the Agreement may call for the issuance of one or more revolving credit notes (the "Revolving Credit Notes") for the purpose of renewing all or part of maturing Notes or Notes that have been put pursuant to a put agreement or provision. Such Revolving Credit Notes shall be issued pursuant to Article II or III, as appropriate, and in accordance with the following provisions:
- (a) Interest on the Revolving Credit Notes may be payable on maturity, on prior redemption, monthly, bi-monthly, quarterly, or as otherwise provided in the Agreement.
  - (b) The Revolving Credit Notes may mature on one or more date or dates not later than the final maturity date of the Notes, as provided in the Agreement.
  - (c) The Treasurer may, at the time of the original issuance of the Notes, execute and deliver one Revolving Credit Note in a maximum principal amount not exceeding the lending commitment under the Agreement from time to time in force (and may substitute one such Note in a lesser principal amount for another in the event the lending commitment is reduced), provided that a schedule shall be attached to such Note on which loans and repayments of principal and interest are evidenced and further provided that the making of a loan and the evidencing of such loan on the schedule of any such Note shall constitute the issuance of a renewal Note for purposes of this Resolution.

#### IX.

##### MISCELLANEOUS PROVISIONS

901. Expenses. Expenses incurred in connection with the Notes shall be paid from the property tax administration fees collected on the Delinquent Taxes and, if so ordered by the

Treasurer, from any earnings on the proceeds of the offering or from other monies available to the County.

902. Bond Counsel. The Notes (and any renewal, refunding or advance refunding Notes) shall be delivered with the unqualified opinion of Axe & Ecklund, P.C., which selection of bond counsel may, at the option of the Treasurer, be for one or more years.
903. Financial Consultants. Municipal Financial Consultants Incorporated, Grosse Pointe Farms, Michigan, is hereby retained to act as financial consultant and advisor to the County in connection with the sale and delivery of the Bonds.
904. Complete Records. The Treasurer shall keep full and complete records of all deposits to and withdrawals from each of the funds and accounts in the Revolving Fund and any account or sub-account created pursuant to this Resolution and of all other transactions relating to such funds, accounts and sub-accounts, including investments of money in, and gain derived from, such funds and accounts.
905. Chargebacks. If, by the date which is three months prior to the final maturity date of the Notes, sufficient monies are not on deposit in the Note Payment Account and the Note Reserve Account to pay all principal of and interest on the Notes when due, Delinquent Taxes not then paid or recovered at or prior to the latest tax sale transacted two or more months before the final maturity of the Notes shall, if necessary to ensure full and timely payment on the date of final maturity, be charged back to the local units in such fashion as the Treasurer may determine, and, subject to Article V, the proceeds of such chargebacks shall be deposited into the County's 2004 Note Payment Account no later than five weeks prior to the final maturity of the Notes. This Section 905 shall not be construed to limit the authority of the Treasurer under State law to charge back under other circumstances or at other times.
906. Investments. The Treasurer is authorized to invest all monies in the Project Account, in the Revolving Fund or in any account or sub-account therein that is established pursuant to this Resolution in any one or more of the investments authorized as lawful investments for counties under Act No. 20, Public Acts of 1943, as amended. The Treasurer is further authorized to enter into a contract on behalf of the County under the Surplus Funds Investment Pool Act, Act No. 367, Michigan Public Acts of 1982, as amended, and to invest in any investment pool created thereby monies held in the Project Account, in the Revolving Fund, or in any account or sub-account therein which is established pursuant to this Resolution.
907. Mutilated, Lost, Stolen or Destroyed Notes. In the event any Note is mutilated, lost, stolen, or destroyed, the Treasurer may, on behalf of the County, execute and deliver, or order the Registrar or Paying Agent to authenticate and deliver, a new Note having a number not then outstanding, of like date, maturity and denomination as that mutilated, lost, stolen or destroyed. In the case of a mutilated Note, a replacement Note shall not be delivered unless and until such mutilated Note is surrendered to the Treasurer or the Registrar or Paying Agent. In the case of a lost, stolen, or destroyed Note, a replacement Note shall not be delivered unless and until the Treasurer and the Registrar or Paying Agent shall have received such proof of ownership and loss and indemnity as they determine to be sufficient.

#### ARTICLE X.

#### TAX-EXEMPT NOTES OR REFUNDING

1001. Refunding of Taxable Debt or Issuance of Tax-Exempt Debt. The County acknowledges that the current state of Federal law precludes the issuance of the Notes as obligations the interest on which is exempt from Federal income tax. However, the County presently contemplates that anticipated amendments to the Internal Revenue Code of 1986 (the "Code") and/or the Treasury Regulations issued thereunder (the "Regulations") or a change in Michigan law changing the character of the Notes may in the future permit the issuance of general obligation limited tax notes on a tax-exempt basis, and, in view of this expectation, the County, through the offices of the Treasurer, shall issue tax-exempt notes or issue obligations to refund any or all outstanding Notes issued as taxable obligations, at the time, on the terms, and to the extent set forth in this Article X.

1002. Timing of Refunding. The aforementioned refunding obligations (the "Refunding Notes") shall be issued after the effective date of any change in the Code, Regulations, Internal Revenue Service pronouncements or judicial rulings which, as confirmed by the written opinion of bond counsel, permit the refunding of all or some of the outstanding Notes with proceeds from obligations the interest on which is excluded from gross income for purposes of Federal income tax.
1003. Extent of Refunding. Subject to the other provisions of this Section 1003, the Refunding Notes shall refund all Notes outstanding at or after the effective date of any change in the law described in Section 1002. This Section 1003 shall not, however, be construed to require the refunding of any Note prior to the time such Note may be refunded on a tax-exempt basis, nor shall this Section 1003 be construed to require the refunding of any Note, if that refunding would result in greater cost to the County (including interest expense, professional fees and administrative outlays) than would arise if the Note were to remain outstanding.
1004. Confirmatory Action. Subsequent to any change in the law described in Section 1002, the Board shall convene to consider any terms of the Refunding Bonds requiring specific ratification by the Board.
1005. Arbitrage Covenant and Tax Law Compliance. In the event tax-exempt Notes or Refunding Notes are issued pursuant to this Article X, the following covenants shall be observed by the County:
- (i) the County will make no use of the proceeds of the Notes or Refunding Notes and will undertake no other intentional act with respect to the Notes or Refunding Notes which, if such use or act had been reasonably expected on the date of issuance of the Notes or Refunding Notes or if such use or act were intentionally made or undertaken after the date of issuance of the Notes or Refunding Notes, would cause the Notes or Refunding Notes to be "arbitrage bonds," as defined in Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), in the Regulations promulgated under Sections 103 and 148 of the Code or in any successor or supplementary provision of law hereinafter promulgated,
  - (ii) the County will undertake all actions as shall be necessary to maintain the Notes or Refunding Notes as obligations the interest on which qualifies for the tax exemption provided by Section 103(a) of the Code, including, where appropriate and without limitation, filing informational returns with the Secretary of Treasury, keeping accurate account of all monies earned in any fund, account or sub-account authorized by this Resolution or any resolution adopted in accordance with Section 1004 above, certifying cumulative cash flow deficits of the County and the local units, and investing any required portion of the gross proceeds of the Notes or Refunding Notes, whether on behalf of the County or the local units, in tax-exempt obligations or State and Local Government Series obligations, and
  - (iii) the County will make timely payment to the United States of any investment earnings, realized by the County on the gross proceeds of the Notes or Refunding Notes, as may be subject to rebate under Section 148(f) of the Code, and, to the extent required under applicable law or deemed by the Treasurer to be in the best interest of the County pursuant to written order, the County's obligation to make such payment to the United States shall also account for excess investment earnings realized by local units on all or a portion of the gross proceeds distributed to, and held by, the local units pursuant to Section 702.
  - (iv) the Treasurer shall be directed to take such actions and to enter into such agreements and certifications, on behalf of the County, as the Treasurer shall deem necessary or appropriate to comply with the foregoing covenants.

1006. Undertaking to Provide Continuing Disclosure. If necessary, this Board of Commissioners, for and on behalf of the County of Oakland, hereby covenants and agrees, for the benefit of the beneficial owners of the Notes to be issued by the County, to enter into a written undertaking (the "Undertaking") required by Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be substantially in the form as approved by the Underwriter of the Notes. The Undertaking shall be enforceable by the beneficial owners of Notes or by the Underwriter on behalf of such beneficial owners (provided that the Underwriter's right to enforce the provisions of the Undertaking shall be limited to a right to obtain specific enforcement of the County's obligations hereunder and under the Undertaking), and any failure by the County to comply with the provisions of the Undertaking shall not be deemed a default with respect to the Notes.

The County Treasurer or other officer of the County charged with the responsibility for issuing the Notes shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the terms of the County's Undertaking.

Chairperson, on behalf of the Finance Committee, I move the adoption of the foregoing resolution.

FINANCE COMMITTEE

(The vote for this motion appears on page 40.)

**\* MISCELLANEOUS RESOLUTION #04005**

BY: Finance Committee, Chuck Moss, Chairperson

**IN RE: TREASURER'S OFFICE - AUTHORIZATION FOR ADMINISTRATIVE FUND DELINQUENT 2003 TAXES**

To the Oakland County Board of Commissioners

Chairperson, Ladies And Gentlemen:

WHEREAS the Administrative Fund is necessary for the County Treasurer to administer the Delinquent Tax Revolving Fund.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners designates the County Treasurer as Agent for the County, pursuant to Section 87c, Sub-Section (2), of Act 206, and the Treasurer's Office shall receive such sums as are provided in Section 87c, Sub-section (3), to cover administrative expenses.

Chairperson, on behalf of the Finance Committee, I move the adoption of the foregoing resolution.

FINANCE COMMITTEE

(The vote for this motion appears on page 40.)

**\* MISCELLANEOUS RESOLUTION #04006**

BY: Finance Committee, Chuck Moss, Chairperson

**IN RE: TREASURER'S OFFICE - RESOLUTION AUTHORIZING ISSUANCE OF OAKLAND COUNTY BUILDING AUTHORITY, BUILDING AUTHORITY REFUNDING BONDS, SERIES 2004 AND APPROVING THE UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS pursuant to the provisions of Act No. 31, Public Acts of Michigan, 1948, extra session, as amended, ("Act 31") the Oakland County Building Authority (the "Authority") and the County of Oakland (the "County"), have entered into a Limited Tax Full Faith and Credit General Obligation Contract of Lease dated as of April 18, 1989 and an Amendment to Limited Tax Full Faith and Credit General Obligation Contract of Lease dated as of March 12, 1990 (as listed in Appendix A) (together the "Lease Contract"); and

Commissioners Minutes Continued. January 22, 2004

WHEREAS pursuant to the Lease Contract, the Building Authority has issued a series of its bonds which remain outstanding as listed in Appendix B (the "Bonds") to defray the cost of acquiring and constructing computer center facilities for the County; and

WHEREAS the Bonds remain outstanding in various aggregate principal amounts which mature in various principal amounts in various years and bear interest at various rates per annum which rates of interest are higher than those now prevailing; and

WHEREAS Act 31 authorizes the Authority to refund all or any part of its indebtedness; and

WHEREAS the County has determined that a significant cost savings can be achieved by refunding outstanding Bonds in whole or in part; and

WHEREAS in order to provide for the Refunding Bonds and to comply with new federal securities regulations, it is necessary to approve a second amendment to the Lease Contract between the County and the Authority (the "Second Amendment to Lease Contract") in order to approve the undertaking to provide continuing disclosure which Continuing Disclosure Certificate is attached as Appendix 1 to the Second Amendment to Lease Contract (the "Disclosure Certificate").

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Oakland as follows:

1. The Authority is authorized to proceed to refund any or all of the Bonds described in Appendix B in whole or in part, on such terms and conditions as will result in a lower total indebtedness on such issue.
2. The Second Amendment to Lease Contract attached hereto as Appendix I is hereby approved.
3. The County Officials set forth on the Second Amendment to Lease Contract are authorized to execute and deliver the Second Amendment to Lease Contract on behalf of the County.
4. After any refunding bonds are issued, the Authority shall report to the County on the new debt service schedule and the savings in total principal and interest.
5. The County Executive, if necessary, is authorized to file for approval to issue the bonds from the State of Michigan, Department of Treasury ("Treasury"), to pay the related fee, and to execute and deliver such other documents as may be requested by the Treasury.
6. All activities involved in the refunding of the Bonds under this resolution shall comply with the standing rules of the Board of Commissioners.

Chairperson, on behalf of the Finance Committee, I move the adoption of the foregoing resolution.

FINANCE COMMITTEE

Copy of Appendix A, B, Appendix I – Second Amendment to Lease Contract, Exhibit A, and Appendix 1 – Continuing Disclosure Certificate on file in County Clerk's office.

(The vote for this motion appears on page 40.)

**\* REPORT (MISC. #03361)**

BY: Personnel Committee, Gregory Jamian, Chairperson

**IN RE: DEPARTMENT OF HUMAN SERVICES/MEDICAL CARE FACILITY – NURSING STAFF REALIGNMENT**

To the Oakland County Finance Committee

Chairperson, Ladies and Gentlemen:

The Personnel Committee having reviewed Miscellaneous Resolution #03361 on January 14, 2004 reports with the recommendation the resolution be adopted.

Chairperson, on behalf of the Personnel Committee, I move the acceptance of the foregoing report.

PERSONNEL COMMITTEE

MISCELLANEOUS RESOLUTION #03361

BY: General Government Committee, William R. Patterson, Chairperson

IN RE: DEPARTMENT OF HUMAN SERVICES/MEDICAL CARE FACILITY – NURSING STAFF REALIGNMENT

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the Medical Care Facility is a 24/7 operation; and

WHEREAS the Medical Care Facility currently has had difficulties in recruiting Licensed Practical Nurses and Nursing Assistants; and

WHEREAS the Medical Care Facility proposes to upwardly reclassify two (2) Licensed Practical Nurse positions to General Staff Nurses; and

WHEREAS the Medical Care Facility proposes to delete five (5) FTNE Nursing Assistant positions; and

WHEREAS the Medical Care Facility is requesting to create two (2) full-time General Staff Nurse positions and one (1) PTNE General Staff Nurse position to provide more skilled nursing coverage to the residents at the facility.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners approves the upward reclassification of (2) Licensed Practical Nurse positions (#16335-01025 & 16335-00191) to General Staff Nurses.

BE IT FURTHER RESOLVED to delete five (5) FTNE Nursing Assistant positions:

16335-00813

16335-00587

16335-02890

16335-00653

16335-00654

BE IT FURTHER RESOLVED to create two (2) FTE PR-funded General Staff Nurse positions.

BE IT FURTHER RESOLVED to create (1) PTNE 1,000 hr/yr PR-funded General Staff Nurse position.

Chairperson, on behalf of the General Government Committee, I move the adoption of the foregoing resolution.

GENERAL GOVERNMENT COMMITTEE

FISCAL NOTE (MISC. #03361)

BY: Finance Committee, Chuck Moss, Chairperson

IN RE: DEPARTMENT OF HUMAN SERVICES/MEDICAL CARE FACILITY – NURSING STAFF REALIGNMENT

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

Pursuant to Rule XII-C of this Board, the Finance Committee has reviewed the above-referenced resolution and finds:

1. The Department of Human Services/Medical Care Facility has had difficulty in recruiting Licensed Practical Nurses and Nursing Assistants.
2. The Medical Care Facility proposes to delete five (5) FTNE Nursing Assistant positions and upwardly reclassify two (2) Licensed Practical Nurse positions to General Staff Nurses and create two (2) FTE Proprietary funded General Staff Nurse positions along with (1) PTNE 1,000 hr/yr General Staff nurse position.
3. Net savings for this realignment is \$19,743 for both FY 2004 and FY 2005.
4. A budget amendment to the FY 2004 and FY 2005 budget is recommended as follows:

	<u>FY 2004</u>	<u>FY 2005</u>
<u>MEDICAL CARE FACILITY</u>		
Fund 521		
<u>Expense</u>		
16-335200-20013-2001 Salaries	(\$153,052)	(\$153,052)
16-335200-20013-2074 Fringe Benefits	( 100,648)	( 100,648)
16-335200-20012-2001 Salaries	( 36,843)	( 36,843)
16-335200-20012-2074 Fringe Benefits	( 18,023)	( 18,023)
16-335200-20011-2001 Salaries	200,968	200,968
16-335200-20011-2074 Fringe Benefits	<u>87,855</u>	<u>87,855</u>

	(\$ 19,743)	(\$ 19,743)
16-335200-20011-8005 Est. Profit/Loss	<u>19,743</u>	<u>19,743</u>
	<u>\$ -0-</u>	<u>\$ -0-</u>

FINANCE COMMITTEE

(The vote for this motion appears on page 40.)

**\* MISCELLANEOUS RESOLUTION #03365**

BY: Planning And Building Committee, Charles E. Palmer, Chairperson

**IN RE: DEPARTMENT OF FACILITIES MANAGEMENT – APPROVAL AND ACCEPTANCE OF SECOND AMENDMENT TO LEASE 52-3 ROCHESTER DISTRICT COURT, 141 HAMPTON CIRCLE, SUITE 141, ROCHESTER HILLS, MI 48307**

To the Oakland County Board of Commissioners

Chairperson, Ladies, and Gentlemen:

WHEREAS the County of Oakland is responsible for providing courthouse facilities for the 52nd District Court Units; and

WHEREAS the County of Oakland presently leases 1,493 square feet of office space at 141 Hampton Circle, Suite 141, Rochester Hills, MI for part of the operations of the 52-3 Rochester District Court; and

WHEREAS the County of Oakland is engaged in the process of constructing a new courthouse at 700 Barclay Circle in the City of Rochester Hills; and

WHEREAS construction of said new courthouse is scheduled for completion in the spring of 2004; and

WHEREAS the present lease for office space located at 141 Hampton Circle, Suite 141, will expire on December 31, 2003; and

WHEREAS the Department of Facilities Management and A&P Investment Company, LLC, the landlord, have negotiated the terms of the attached Second Amendment to Lease Agreement, which would allow the court staff to continue to occupy the existing offices located at 141 Hampton Circle, Suite 141, Rochester Hills, MI on a month to month basis until June 30, 2004 if necessary; and

WHEREAS the term for the Second Amendment to Lease Agreement shall commence on January 1, 2004 and expire on June 30, 2004. Rent for the term of the lease shall be at a rate of \$19.50 per square foot or \$2,426.13 per month; and

WHEREAS the Departments of Facilities Management and Corporation Counsel have reviewed and/or prepared all necessary documents related to the attached Second Amendment to Lease Agreement between A&P Investment Company, LLC and the County of Oakland; and

WHEREAS it is the recommendation of the Department of Facilities Management that the Oakland County Board of Commissioners accept and approve the terms and conditions of the attached Second Amendment to Lease Agreement for the premises located at 141 Hampton Circle, Suite 141, Rochester Hills, MI 48307.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners hereby approves and authorizes the attached Second Amendment to the Lease Agreement for the premises located at 141 Hampton Circle, Suite 141, Rochester Hills, MI between the County of Oakland and A&P Investment Company, LLC.

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners hereby directs its Chairperson or designee to execute the attached Second Amendment to the Lease Agreement for the premises located at 141 Hampton Circle, Suite 141, Rochester Hills, MI between A&P Investment Company, LLC and the County of Oakland.

Chairperson, on behalf of the Planning and Building Committee, I move the adoption of the foregoing resolution.

PLANNING AND BUILDING COMMITTEE

Copy of Second Amendment to Lease Between A&P Investment Company, L.L.C., a Michigan Limited Liability Company and the County of Oakland, a Michigan Constitutional Corporation on file in County Clerk's office.

FISCAL NOTE (MISC. #03365)

BY: Finance Committee, Chuck Moss, Chairperson

IN RE: DEPARTMENT OF FACILITIES MANAGEMENT – APPROVAL AND ACCEPTANCE OF SECOND AMENDMENT TO LEASE 52-3 ROCHESTER DISTRICT COURT, 141 HAMPTON CIRCLE, SUITE 141 ROCHESTER HILLS, MI 48307

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

Pursuant to Rule XII-C of this Board, the Finance Committee has reviewed the above referenced resolution and finds:

1. The resolution authorizes a six (6) month lease agreement extension between the Department of Facilities Management and landlord A&P Investment Company, LLC.
2. The leased space is at 141 Hampton Circle, Suite 141 in Rochester Hills Michigan for the operation of the 52-3 Rochester District Court.
3. This lease is to provide temporary housing, while construction proceeds on a permanent, County owned facility for the 52-3 District Court.
4. This renewal to the lease of 1,493 square feet of office space at \$19.50/sq. ft. or \$29,113.50 annually (\$2,426.13 per month), or \$14,557 for the six months beginning January 1, 2004 and terminates June 30, 2004.
5. No budget amendment is necessary to fund this extension, as sufficient funds are budgeted in the FY 2004 adopted budget.

FINANCE COMMITTEE

(The vote for this motion appears on page 40.)

**\* MISCELLANEOUS RESOLUTION #03366**

BY: Planning and Building Committee, Charles E. Palmer, Chairperson

**IN RE: DEPARTMENT OF FACILITIES MANAGEMENT – APPROVAL AND ACCEPTANCE OF SECOND AMENDMENT TO LEASE 52-3 ROCHESTER DISTRICT COURT, 130 HAMPTON CIRCLE, SUITE 150, ROCHESTER HILLS, MI 48307**

To the Oakland County Board of Commissioners

Chairperson, Ladies, and Gentlemen:

WHEREAS the County of Oakland is responsible for providing courthouse facilities for the 52nd District Court Units; and

WHEREAS the County of Oakland presently leases 1,100 square feet of office space at 130 Hampton Circle, Suite 150, Rochester Hills, MI for part of the operations of the 52-3 Rochester District Court; and WHEREAS the County of Oakland is engaged in the process of constructing a new courthouse at 700 Barclay Circle in the City of Rochester Hills; and

WHEREAS construction of said new courthouse is scheduled for completion in the spring of 2004; and

WHEREAS the present lease for office space located at 130 Hampton Circle, Suite 150, will expire on December 31, 2003; and

WHEREAS the Department of Facilities Management and A&P Investment Company, LLC, the landlord, have negotiated the terms of the attached Second Amendment to Lease Agreement, which would allow the court staff to continue to occupy the existing offices located at 130 Hampton Circle, Suite 150, Rochester Hills, MI on a month to month basis until June 30, 2004 if necessary; and

WHEREAS the term for the Second Amendment to Lease Agreement shall commence on January 1, 2004 and expire on June 30, 2004. Rent for the term of the lease shall be at a rate of \$19.50 per square foot or \$1,787.50 per month; and

WHEREAS the Departments of Facilities Management and Corporation Counsel have reviewed and/or prepared all necessary documents related to the attached Second Amendment to Lease Agreement between A&P Investment Company, LLC and the County of Oakland; and

WHEREAS it is the recommendation of the Department of Facilities Management that the Oakland County Board of Commissioners accept and approve the terms and conditions of the attached Second Amendment to Lease Agreement for the premises located at 130 Hampton Circle, Suite 150, Rochester Hills, MI 48307.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners hereby approves and authorizes the attached Second Amendment to the Lease Agreement for the premises

located at 130 Hampton Circle, Suite 150, Rochester Hills, MI between the County of Oakland and A&P Investment Company, LLC.

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners hereby directs its Chairperson or designee to execute the attached Second Amendment to the Lease Agreement for the premises located at 130 Hampton Circle, Suite 150, Rochester Hills, MI between A&P Investment Company, LLC and the County of Oakland.

Chairperson, on behalf of the Planning and Building Committee, I move the adoption of the foregoing resolution.

PLANNING AND BUILDING COMMITTEE

Copy of Second Amendment to Lease Between A&P Investment Company, L.L.C., a Michigan Limited Liability Company and the County of Oakland, a Michigan Constitutional Corporation on file in County Clerk's office.

FISCAL NOTE (MISC. #03366)

BY: Finance Committee, Sue Ann Douglas, Chairperson

IN RE: DEPARTMENT OF FACILITIES MANAGEMENT – APPROVAL AND ACCEPTANCE OF SECOND AMENDMENT TO LEASE 52-3 ROCHESTER DISTRICT COURT, 130 HAMPTON CIRCLE, SUITE 150 ROCHESTER HILLS, MI 48307

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

Pursuant to Rule XII-C of this Board, the Finance Committee has reviewed the above referenced resolution and finds:

1. The resolution authorizes a six (6) month lease agreement extension between the Department of Facilities Management and landlord A&P Investment Company, LLC.
2. The leased space is at 130 Hampton Circle, Suite 150 in Rochester Hills Michigan for the operation of the 52-3 Rochester District Court.
3. This lease extension is to provide temporary housing, while construction proceeds on a permanent, County owned facility for the 52-3 District Court.
4. This renewal to the lease of 1,100 square feet of office space at \$19.50/sq. ft. or \$21,450 annually (\$1,787.50 per month), or \$10,725 for the six months beginning January 1, 2004 and terminates June 30, 2004.
5. No budget amendment is necessary to fund this extension, as sufficient funds are budgeted in the Fiscal Year 2004 adopted budget.

FINANCE COMMITTEE

(The vote for this motion appears on page 40.)

**\* MISCELLANEOUS RESOLUTION #03370**

BY: Public Services Committee, Hugh D. Crawford, Chairperson

**IN RE: CIRCUIT COURT – USE OF MEDIATION FUNDS**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS by Miscellaneous Resolution #90177, the Board of Commissioners established the Circuit Court Civil Mediation Fund; and

WHEREAS the fund is to be used to help pay for Circuit Court enhancements and improvements as requested by the Circuit Court and approved by the Board of Commissioners; and

WHEREAS the Court seeks to utilize the Mediation Fund for the following purposes:

<u>DESCRIPTION</u>	<u>COST</u>
Furniture	
Courtroom (jury box chairs, counsel chairs, Courtroom chairs, court reporter work station)	\$ 26,300
Jury Room (table, jury room chairs)	11,000
Office (task chairs, office chairs, desks & Overheads, landscape furniture)	41,060
Equipment	

Judicial (counters, 4-drawer lateral file cabinets, 2-drawer lateral file cabinets, book cases, rolling file cabinet)	11,500
Administration (4-drawer lateral file cabinets, 3-drawer file cabinets with overfile, rolling file cabinet, fax machines, transcribers)	8,000
Oakland County Bar Association (offset Mediation administrative expenses and 2003 Bench/Bar Conference	<u>10,000</u>

TOTAL MEDIATION FUND REQUEST \$107,860; and

WHEREAS the total Civil Mediation Fund transfer for the above-referenced items is \$107,860.  
NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners approves the  
use of \$107,860 from the Circuit Court Civil Mediation Fund for the above-referenced items.  
Chairperson, on behalf of the Public Services Committee, I move the adoption of the foregoing resolution.

PUBLIC SERVICES COMMITTEE

**FISCAL NOTE (MISC. #03370)**

BY: Finance Committee, Chuck Moss, Chairperson

IN RE: CIRCUIT COURT – USE OF MEDIATION FUNDS

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

Pursuant to Rule XII-C of this Board, the Finance Committee has reviewed the above referenced resolution and finds:

1. Resolution authorizes the utilization of Circuit Court Civil Mediation funds as established by Miscellaneous Resolution #90177.
2. Request for these funds are to be used to pay for courtroom furniture (\$78,360), equipment cost (\$19,500) and other mediation cost (\$10,000) for a total of \$107,860.
3. Funding of \$421,878 is available in the Circuit Court Civil Mediation account of which a portion is reserved to pay attorney bills.
4. The following budget amendment is recommended to the FY 2004 budget:

<u>CIRCUIT COURT MEDIATION FUNDS(101)</u>	<u>FY 2004</u>
<u>Revenue</u>	
1-35-130000-22200-0351 Civil Mediation	\$107,860
<u>Expenditures</u>	
2-35-210000-11000-3348 Professional Svcs.	\$ 10,000
2-35-210000-11000-4100 Expendable Equip.	<u>97,860</u>
Total Expenditures	<u>\$107,860</u>
	<u>\$ -0-</u>

FINANCE COMMITTEE

(The vote for this motion appears on page 40.)

**\* REPORT (MISC. #03371)**

BY: Personnel Committee, Gregory Jamian, Chairperson

**IN RE: CIRCUIT COURT/FAMILY DIVISION/FRIEND OF THE COURT – REORGANIZATION AND PERSONNEL RELATED ACTIONS**

To the Oakland County Finance Committee

Chairperson, Ladies and Gentlemen:

The Personnel committee having reviewed Miscellaneous Resolution #03371 on January 14, 2004 reports with the recommendation the Resolution be adopted.

Chairperson, on behalf of the Personnel Committee, I move the acceptance of the foregoing report.

PERSONNEL COMMITTEE

MISCELLANEOUS RESOLUTION #03371

BY: Public Services, Hugh D. Crawford, Chairperson

IN RE: CIRCUIT COURT/FAMILY DIVISION/FRIEND OF THE COURT REORGANIZATION AND PERSONNEL RELATED ACTIONS

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the Friend of the Court (FOC) Accounting and Banking functions and personnel were transferred from Management and Budget to the FOC in May 2001; and

WHEREAS the State of Michigan dictated the implementation of their Child Support Enforcement System at the Oakland County Friend of the Court (FOC) in September 2001 placing additional legal, technological and personnel burdens on FOC; and

WHEREAS in 2003 the State of Michigan's Attorney General initiated a program to pursue felony, non-paying support obligors, expecting to seek 20-25 warrants in Oakland County per month, directly affecting the FOC workload and having the potential of increasing the FOC incentive payment from the State; and WHEREAS the FOC requires dedicated personnel to review and audit cases eligible for prosecution by the Attorney General, as well as court appearances; and

WHEREAS the FOC wishes to reorganize its structure to better accommodate these changes in the FOC workforce and workload.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners authorizes the deletion of one (1) Supervisor – FOC Family Counselor (35404-00803).

BE IT FURTHER RESOLVED that the Supervisor – FOC Family Counselor classification be downwardly reclassified from a full supervisor at a Salary Grade 16 to a working supervisor at Salary Grade 14.

BE IT FURTHER RESOLVED that two (2) FOC Family Counselor positions (35404- 02410 and 35404-03184) be upwardly reclassified to Supervisor – FOC Family Counselor (SG 14).

BE IT FURTHER RESOLVED that the following classification and position be created in Circuit Court/Family Division/Friend of the Court: Chief Assistant FOC – Legal Services, Salary Grade 20, OT exempt.

BE IT FURTHER RESOLVED that the newly created Chief Assistant FOC- Legal Services position will not be filled until Cooperative Reimbursement Program (CRP) Grant funding from the State of Michigan is approved for this position.

BE IT FURTHER RESOLVED that one position (#35404-09869) be upwardly reclassified from Account Clerk II to Child Support Account Specialist to act as support for the State Attorney General's pursuit of felony, non-paying support obligors.

Chairperson, on behalf of the Public Services Committee, I move adoption of the foregoing resolution.

PUBLIC SERVICES COMMITTEE

FISCAL NOTE (MISC. #03371)

BY: Finance Committee, Chuck Moss, Chairperson

IN RE: CIRCUIT COURT/FAMILY DIVISION/FRIEND OF THE COURT – REORGANIZATION AND PERSONNEL RELATED ACTIONS

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

Pursuant to Rule XII-C of this Board, the Finance Committee has reviewed the above referenced resolution and finds:

1. The Circuit Courts/Family Division/Friend of the Court (FOC) proposes to reorganize its structure to better perform and accommodate the various legislative changes and service demands being imposed upon it by State of Michigan, the State Attorney General's Office, and changes in workload.
2. The following changes are recommended:
  - Delete one (1) Supervisor - FOC Family Counselor (35404-00803).
  - Downwardly reclassify one (1) Supervisor - FOC Family Counselor classification from a full supervisor at a Salary Grade 16 to a working supervisor at a Salary Grade 14.
  - Upwardly reclassify two (2) FOC Family Counselor positions (35404- 02410 and 35404-03184) to Supervisor - FOC Family Counselor (Salary Grade 14).

- Create one (1) new position of Chief Assistant FOC – in the Legal Services section at Salary Grade 20, OT exempt, this newly created Chief Assistant FOC-Legal Services position will not be filled until Cooperative Reimbursement Program (CRP) Grant funding from the State of Michigan is approved for this position.
  - Upwardly reclassified one position (# 35404-09869) from Account Clerk II to Child Support Account Specialist to act as support for the State Attorney Generals pursuit of felony non-paying support obligors.
3. The reorganization will result in a net increase to the CRP contract of \$51,695 and a net savings to the General Fund of \$25,882 for FY 2004 and a net increase of \$79,063 to the CRP contract and a net savings to the General Fund of \$39,584 for FY 2005.
4. The Circuit Court FOC and General Fund budgets for FY 2004 and FY 2005 be amended as follows:

<u>GENERAL FUND (101)</u>	<u>FY 2004</u>	<u>FY 2005</u>
<u>Expenditures</u>		
2-90-290000-25000-2872 Non-Dept. Grant Match	(\$ 25,882)	(\$ 39,584)
2-90-290000-25000-9075 Non-Dept. Salary Adj	<u>\$ 25,882</u>	<u>\$ 39,584</u>
Total Gen. Fund	<u>\$ -0-</u>	<u>\$ -0-</u>
<u>FRIEND OF THE COURT FUND (215)</u>		
<u>Revenues</u>		
<u>Circuit Court/FOC:</u>		
1-35-141215-71000-0167 CRP Grant Match	(\$ 25,882)	(\$ 39,584)
1-35-141215-71000-0367 CRP Contract	<u>51,695</u>	<u>79,063</u>
Total Cir. Ct FOC Fund	<u>\$ 25,813</u>	<u>\$ 39,479</u>
<u>Expenditures</u>		
<u>Circuit Court/FOC:</u>		
2-35-241215-71000-2001 Salaries	\$ 48,583	\$ 74,304
2-35-241215-71000-2074 Fringes	24,048	36,780
2-35-241215-73000-2001 Salaries	4,249	6,499
2-35-241215-73000-2074 Fringes	1,444	2,209
2-35-241215-81000-2001 Salaries	( 34,466)	( 52,712)
2-35-241215-81000-2074 Fringes	( 18,046)	( 27,601)
Total Cir. Ct FOC Fund	<u>\$ 25,813</u>	<u>\$ 39,479</u>
	<u>\$ -0-</u>	<u>\$ -0-</u>

FINANCE COMMITTEE

(The vote for this motion appears on page 40.)

**\* MISCELLANEOUS RESOLUTION #04007**

BY: Public Services Committee, Hugh D. Crawford, Chairperson

**IN RE: 52ND DISTRICT COURT, DIVISION I – 2004 MICHIGAN DRUG COURT PROGRAM CONTINUATION GRANT CONTRACT ACCEPTANCE**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the 52nd District Court, Division I (Novi) applied for a grant with the State Court Administrative Office (SCAO), Michigan Drug Court Grant Program; and

WHEREAS the application requested total funding in the amount of \$133,500 of which \$53,500 is awarded by SCAO, and \$80,000 received from the Byrne Memorial Grant; and

WHEREAS the award from SCAO is for \$53,500 and serves as the required 40% matching funds for the Byrne Memorial Grant, and the Byrne Memorial Grant serves as the match for the SCAO grant; and

WHEREAS the Byrne Memorial Grant for FY 2004 accepted by Miscellaneous Resolution #03314 was used as the application for the SCAO Grant; and

WHEREAS the court intends to continue the Drug Court to deal with the problems of increasing recidivism, increasing use of alcohol and illegal drugs, rising systems costs, and an increase in jail days ordered; and

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WHEREAS continued funding for one (1) special revenue full-time eligible Probation Officer I position (32205-09903) in the Probation Unit is awarded to provide intensive probation supervision and frequent alcohol testing of defendants; and

WHEREAS the 40% grant match funding (\$53,500) for this position will be SCAO funded; and

WHEREAS Miscellaneous Resolution #90004 established a fiscal policy to maintain proportionate funding for Federal, State and Private grants; and

WHEREAS the grant agreement has been processed through the County Executive Contract Review Process and the Board of Commissioners Grant Acceptance Procedures.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners accepts the State Court Administrative Office (SCAO), Michigan Drug Court Program Grant, in the amount of \$53,500, with no County Match requirement.

BE IT FURTHER RESOLVED that the Chairperson of the Board of Commissioners is authorized to execute the contract agreement and that the chairperson may approve amendments and extensions up to fifteen (15%) percent variance from the award, consistent with the original agreement as approved.

BE IT FURTHER RESOLVED that acceptance of this grant is conditioned upon continued interpretation of the contract consistent with the February 6, 2001, letter from the Michigan Supreme Court, State Court Administrative Office, providing that assurance #4 of the grant application shall not be construed as a mandate for future funding of the program from the funding unit, said letter attached hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that there is no Oakland County grant match funding requirement for the one (1) full-time eligible special revenue Probation Officer I position (32205-09903) in the Probation unit of 52nd District Court, Division I (Novi).

BE IT FURTHER RESOLVED that no positions may be filled nor expenditures authorized until a grant agreement is fully executed with the County's obligation limited to the grant funding period.

BE IT FURTHER RESOLVED that continuation of the position associated with this grant is contingent upon continuation of State funding.

Chairperson, on behalf of the Public Services Committee, I move the adoption of the foregoing resolution.

PUBLIC SERVICES COMMITTEE

Copy of Contract review – 52/1 District Court – Novi, letter from Dawn A. Monk, Deputy State Court Administrator, Michigan Drug Court Grant Program 2004 Grant Contract, Attachment A, Budget Summary 2004, Budget Detail Worksheet 2004, and Michigan Drug Court Program 2004 on file in County Clerk's office.

FISCAL NOTE (MISC. #04007)

BY: Finance Committee, Chuck Moss, Chairperson

IN RE: 52ND DISTRICT COURT, DIVISION I – 2004 MICHIGAN DRUG COURT PROGRAM CONTINUATION GRANT CONTRACT ACCEPTANCE

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

Pursuant to Rule XII-C of this Board, the Finance Committee has reviewed the above referenced resolution and finds:

1. The 52nd District Court, Division I (Novi) has received a grant from the State Court Administrator's Office (SCAO), Michigan Drug Court Program, for the period of January 1, 2004, through December 31, 2004.
2. The award from SCAO is for \$53,500 requiring \$80,000 in County match, which is to come from the FY 2004 Byrne Memorial Grant. The total program amount equals \$133,500.
3. The grant includes continuation funding of one (1) special revenue full-time eligible Probation Officer I position (32205-09903).
4. In addition to the County match requirements, the County is expected to incur administrative and support costs of \$1,280 for 2004, which have been included in the FY 2004/FY2005 budget. This grant does not allow for recovery of those costs.
5. The FY 2004 budget should be amended as follows to accept continued funding from the SCAO, 52-1 District Court Drug Court grant:

SPECIAL REVENUE FUND 279

Revenue

1-32-279-100303-28000-0171	Grants-State	\$ 53,500
1-32-279-100303-28000-0167	Grant Match	\$ -0-
		<u>\$ 53,500</u>

Expenditures

2-32-279-200303-28000-2001	Salaries	\$ 16,219
2-32-279-200303-28000-2075	Fringe Benefits	\$ 7,417
2-32-279-200303-28000-2560	Consultant	\$ 21,258
2-32-279-200303-28000-4156	Lab. Supplies	<u>\$ 8,606</u>
		<u>\$ 53,500</u>

FINANCE COMMITTEE

(The vote for this motion appears on page 40.)

**\* MISCELLANEOUS RESOLUTION #04008**

BY: Public Services Committee, Hugh D. Crawford, Chairperson

**IN RE: PROSECUTING ATTORNEY - 2004/2005 AUTOMOBILE THEFT PREVENTION AUTHORITY (ATPA) GRANT ACCEPTANCE**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the Automobile Theft Prevention Authority (ATPA) has awarded the Office of the Prosecuting Attorney grant funding in the amount of \$253,262 for the period January 1, 2004 through December 31, 2004 and \$261,368 for January 1, 2005 through December 31, 2005; and

WHEREAS this is the sixteenth (16<sup>th</sup>) year of grant award for this program; and

WHEREAS the State contribution for 2004 is \$189,947(75%) and \$196,026 (75%) for 2005,the County contribution for 2004 is \$63,315 (25%) and \$65,342 for 2005; and

WHEREAS the required County match of \$63,315 for 2004 and 65,342 for 2005 has been included in the FY 2004/2005 Adopted Budget; and

WHEREAS the grant will continue to fund one (1) SR Assistant Prosecuting Attorney IV (position #41201-06387) and one (1) SR Assistant Prosecuting Attorney III (position #41201-06113); and

WHEREAS acceptance of this contract does not obligate the County to any future commitment; and

WHEREAS the grant award has been processed through the County Executive Contract Review Process. NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners accepts the Prosecuting Attorney's 2004/2005 Automobile Theft Prevention Authority grant in the total amount of \$253,262 for the period of January 1, 2004 through December 31, 2004 and \$261,368 for the period of January 1, 2005 through December 31, 2005.

BE IT FURTHER RESOLVED that the continuation of this program, including personnel, is contingent upon continued grant funding.

BE IT FURTHER RESOLVED that amendments be made to the Prosecuting Attorney's grant budget to reflect the changes in the award as detailed in Attachment A.

BE IT FURTHER RESOLVED that the Chairperson of the Board of Commissioners is authorized to execute the grant award and to approve any grant extensions or changes, within fifteen percent (15%) of the original award, which are consistent with the original agreement as approved.

Chairperson, on behalf of the Public Services Committee, I move the adoption of the foregoing resolution.

PUBLIC SERVICES COMMITTEE

Copy of Attachment A, Contract Review – Prosecutor's Office, Automobile Theft Prevention Authority Agreement, Program Addendum to Grant, Attachment to Orientation Report, and Oakland County Prosecutor's Anti-Auto Theft Program Budget Detail on file in County Clerk's office.

FISCAL NOTE (MISC. #04008)

BY: Finance Committee, Chuck Moss, Chairperson

IN RE: PROSECUTING ATTORNEY - 2004/2005 AUTOMOBILE THEFT PREVENTION AUTHORITY (ATPA) GRANT ACCEPTANCE

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

Pursuant to Rule XII-C of this Board, the Finance Committee has reviewed the above referenced resolution and finds:

1. The Prosecuting Attorney is requesting the acceptance of the State of Michigan 2004/2005 Automobile Theft Prevention Authority (ATPA) Grant.
2. Funding has been awarded in the amount of \$253,262 for 2004 and \$261,368 for 2005.
3. The 2004 State contribution is \$189,947 (75%) and 2005 contribution is \$196,026 (75%). The County grant match is \$63,315 (25%) for 2004 and \$65,342 (25%) for 2005. The County grant match is included in the FY 2004/2005 Non-Departmental Budget.
4. In addition to the County match requirements, the County is expected to incur administrative and support costs of \$17,528 for 2004 and \$18,145 for 2005, which have been included in the FY 2004/FY 2005 Prosecutor's Budget. This grant does not allow for recovery of those costs.
5. A budget amendment is recommended for the Prosecutor's 2004/2005 Automobile Theft Prevention Authority Grant budget as detailed in Attachment A.
6. A budget amendment is recommended to transfer the grant match funds from the Non-Departmental Grant Match Account for FY 2004 and FY 2005 as follows:

<u>GENERAL FUND</u>	<u>FY 2004</u>	<u>FY 2005</u>
<u>Expenditures</u>		
90-290000-25000-2872 Grant Match	(\$63,315)	(\$65,342)
41-211000-41400-2872 Grant Match	<u>\$63,315</u>	<u>\$65,342</u>
	<u>\$ -0-</u>	<u>\$ -0-</u>

FINANCE COMMITTEE

(The vote for this motion appears on page 40.)

**\* REPORT (MISC. #04009)**

BY: Personnel Committee, Gregory Jamian, Chairperson

**IN RE: COUNTY EXECUTIVE – EMERGENCY RESPONSE AND PREPAREDNESS – DEPARTMENT OF HOMELAND SECURITY, OFFICE FOR DOMESTIC PREPAREDNESS – SOLUTION AREA PLANNER (SAP) GRANT APPLICATION/ACCEPTANCE**

To the Oakland County Finance Committee

Chairperson, Ladies and Gentlemen:

The Personnel Committee having reviewed the above referenced resolution on January 14, 2004, reports with the recommendation the Resolution be adopted.

Chairperson, on behalf of the Personnel Committee, I move the acceptance of the foregoing report.

PERSONNEL COMMITTEE

MISCELLANEOUS RESOLUTION #04009

BY: Public Services Committee, Hugh D. Crawford, Chairperson

IN RE: COUNTY EXECUTIVE - EMERGENCY RESPONSE AND PREPAREDNESS – DEPARTMENT OF HOMELAND SECURITY, OFFICE FOR DOMESTIC PREPAREDNESS - SOLUTION AREA PLANNER (SAP) GRANT APPLICATION/ACCEPTANCE

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the US Department of Homeland Security, Office for Domestic Preparedness, FY 2002/2003 Supplemental Appropriations Act For Further Recovery From and Response to Terrorist Attacks on the United States was passed by the Congress and signed by the President on August 2, 2002; and WHEREAS the Act authorizes federal funding for a Solution Area Planner for local jurisdictions that participated in the State Homeland Security Assessment and Strategy (SHSAS); and

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WHEREAS the grant acceptance provides funding for the creation of one (1) Special Revenue Technical Assistant position; and

WHEREAS the grant shall provide 100% funding of this position from the period of January 1, 2004 through April 30, 2005; and

WHEREAS the Technical Assistant will assist with activities related to equipment acquisition, training, planning, and organization for the Oakland County Homeland Security Strategy; and

WHEREAS the Michigan Department of State Police Emergency Management Division will serve as the administrating agency for this grant; and

WHEREAS the grant agreement has been reviewed and approved through the County Executive Contract Review Process.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners accepts grant funding from the State of Michigan in the amount of \$43,000 for the period of January 1, 2004 to April 30, 2005.

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners authorizes the creation of (1) one SR funded Technical Assistant position to be funded full-time non-eligible for the period of January 1, 2004 through December 31, 2004, and part-time non-eligible for 316 hours from January 1, 2005 through April 30, 2005.

BE IT FURTHER RESOLVED that this position is 100% grant funded from the period of January 1, 2004 through April 30, 2005.

BE IT FURTHER RESOLVED that the Chairperson of the Board of Commissioners is authorized to execute the grant agreement and to approve any grant extensions or changes, within fifteen percent (15%) of the original award, which are consistent with the original agreement as approved.

BE IT FURTHER RESOLVED that acceptance of this grant does not obligate the County to any future commitment, and continuation of the position is contingent upon sufficient levels of grant funding.

Chairperson, on behalf of the Public Services Committee, I move the adoption of the foregoing resolution.

PUBLIC SERVICES COMMITTEE

Copy of Contract Review – Emergency Response and Preparedness, Emergency Management Division Informational letter, Homeland Security Solution Area Planner Position Description, letter from David Lundquist, Michigan Department of State Police, and State of Michigan 2003 State Homeland Security Grant Program Part II Solution Area Planner (SAP) Grant Agreement on file in County Clerk's office.

FISCAL NOTE (MISC. #04009)

BY: Finance Committee, Chuck Moss, Chairperson

IN RE: COUNTY EXECUTIVE - EMERGENCY RESPONSE AND PREPAREDNESS – DEPARTMENT OF HOMELAND SECURITY, OFFICE FOR DOMESTIC PREPAREDNESS – SOLUTION AREA PLANNER (SAP) GRANT APPLICATION/ACCEPTANCE

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

Pursuant to Rule XII-C of this Board, the Finance Committee, has reviewed the above referenced resolution and finds:

1. The US Department of Homeland Security, Office for Domestic Preparedness, FY2002/2003 Supplemental Appropriations Act For Further Recovery From and Response to Terrorist Attacks on the United States was passed by the Congress and signed by the President which authorizes federal funding for a Solution Area Planner for local jurisdictions that participated in the State Homeland Security Assessment and Strategy (SHSAS).
2. ERP is requesting one (1) Special Revenue Technical Assistant position to be funded full-time non-eligible for the period of January 1, 2004 through December 31, 2004, and part-time non-eligible for 316 hours from January 1, 2005 through April 30, 2005.
3. The Technical Assistant is 100% grant funded and would assist with activities related to equipment acquisition, training, planning, and organization for Oakland County Homeland Security Strategy.
4. Since this grant is not expected to continue, there are no ongoing administrative costs associated with the acceptance of this grant.

5. A budget amendment is recommended to the FY 2004 and FY 2005 Budget to recognize the revenues and expenses for the FY 2003 State Homeland Security Assessment and Strategy, Solution Area Planner (SAP) Contract.

<u>OTHER FUNDS</u>	<u>FUND 276</u>	<u>FY2004</u>	<u>FY2005</u>
<u>Revenue</u>			
1-11-276-100604-70001-0113	Federal Grant Revenue	\$ 37,331	\$ 5,669
<u>Expense</u>			
2-11-276-200604-70001-2001	Salaries	\$ 34,249	\$ 5,201
2-11-276-200604-70001-2074	Fringe Benefits	3,082	468
		<u>\$ 37,331</u>	<u>\$ 5,669</u>
		<u>\$ -0-</u>	<u>\$ -0-</u>

FINANCE COMMITTEE

(The vote for this motion appears on page 40.)

**\* MISCELLANEOUS RESOLUTION #04010**

BY: Public Services Committee, Hugh D. Crawford, Chairperson

**IN RE: DEPARTMENT OF PUBLIC SERVICES/COMMUNITY CORRECTIONS – DRUNK DRIVER JAIL REDUCTION AND COMMUNITY TREATMENT PROGRAM APPLICATION AMENDMENT**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the State of Michigan amended the Jail Reimbursement Program for Fiscal Year 04 to exclude OUIL III offenders with a sentencing guideline score in the intermediate range; and

WHEREAS the State set aside a portion of the actualized savings from that amendment to fund a new initiative, "The Drunk Driver Jail Reduction and Community Treatment Program"; and

WHEREAS Oakland County's allocation of this fund is \$760,050 for a full year and \$570,038 for the remaining nine (9) months of Fiscal Year 2004; and

WHEREAS this funding is being funneled through the State Office of Community Corrections; and

WHEREAS any programs created through this fund will become part of the County's Comprehensive Community Corrections Plan; and

WHEREAS PA 511 of 1988 requires that the "County Board or Boards of Commissioners of the County shall approve the proposed comprehensive plan prepared by their advisory board; and

WHEREAS this application is an amendment to the existing comprehensive plan, and therefore requires Board approval.

NOW THEREFORE BE IT RESOLVED that the proposal to request \$570,038 from the State Office of Community Corrections for the purpose of initiating the program contained within the grant application for OUIL III offenders is hereby approved.

PUBLIC SERVICES COMMITTEE

Copy of Contract Review – Community Corrections Division, Appendix 1, and Michigan Department of Corrections – Office of Community Corrections Budget Adjustment Request Fiscal Year 2004 on file in County Clerk's office.

Vote on resolutions on the Consent Agenda:

AYES: Coleman, Coulter, Crawford, Douglas, Gregory, Hatchett, Jamian, Knollenberg, Kowall, Law, Long, McMillin, Middleton, Moffitt, Moss, Palmer, Patterson, Potter, Rogers, Scott, Suarez, Webster, Wilson, Zack, Bullard. (25)

NAYS: None. (0)

A sufficient majority having voted therefore, the resolutions on the Consent Agenda, were adopted (with accompanying reports being accepted).

**MISCELLANEOUS RESOLUTION #04011**

BY: Finance Committee - Chuck Moss, Chairperson

**IN RE: TREASURER/DRAIN COMMISSIONER – ROBERT HUBER DRAINAGE DISTRICT  
REFUNDING BONDS - FULL FAITH AND CREDIT**

To the Oakland County Board of Commissioners  
Chairperson, Ladies and Gentlemen

WHEREAS the Robert Huber Drainage District previously has issued its Drain Bonds, dated February 1, 1995 (the "Drain Bonds") in the principal amount of \$1,430,000, and this Board of Commissioners, by Miscellaneous Resolution #94350 adopted on December 8, 1994, pledged the full faith and credit of the County of Oakland (the "County") for the prompt payment of the principal of and interest on the Drain Bonds; and

WHEREAS the Drainage Board for the Robert Huber Drain (the "Drainage Board"), by resolution adopted on December 16, 2003, authorized and provided for the issuance by the Robert Huber Drainage District of its Refunding Bonds, Series 2004 (the "Refunding Bonds"), in the aggregate principal amount of not to exceed \$1,300,000 to refund all or a portion of the Drain Bonds maturing in the years 2005 through 2014; and

WHEREAS, the Refunding Bonds will be dated as of such date, will bear interest at such rates not to exceed 6% per annum, will be in the aggregate principal amount, will mature in such years and principal amounts, and will be subject to redemption prior to maturity as shall be determined by the Drainage Board at the time of sale; and

WHEREAS the Drainage Board deems it advisable and necessary to obtain from this Board an resolution pledging the full faith and credit of the County for the payment of the principal of and interest on the Refunding Bonds; and

WHEREAS it is in the best interest of the County that the Refunding Bonds be sold in order to achieve debt service savings for the City of Rochester Hills and the County.

NOW THEREFORE BE IT RESOLVED:

1. Pursuant to the authorization provided in Section 474 of the Drain Code of 1956, as amended, the Board of Commissioners of the County hereby pledges irrevocably the full faith and credit of the County for the prompt payment of the principal of and interest on the Refunding Bonds and agrees that, in the event the City of Rochester Hills or the County shall fail or neglect to account to the County Treasurer of the County for the amount of any special assessment installment and interest when due, the amount thereof shall be advanced immediately from County funds, and the County Treasurer is directed to make such advancement to the extent necessary.
2. In the event that, pursuant to the pledge of full faith and credit, the County advances out of County funds all or any part of an installment and interest, it shall be the duty of the County Treasurer, for and on behalf of the County, to take all actions and proceedings and pursue all remedies permitted or authorized by law for the reimbursement of such sums so paid.
3. The County Treasurer or the financial consultant, Municipal Financial Consultants
4. The County Treasurer is authorized to approve the circulation of a preliminary and final official statement for the Refunding Bonds, to cause the preparation of those portions of the preliminary and final official statement that pertain to the County, and to do all other things necessary for compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule") . The County Treasurer is authorized to execute and deliver such certificates and to do all other things that are necessary to effectuate the sale and delivery of the Refunding Bonds.
5. The County Treasurer is hereby authorized to execute and deliver in the name and on behalf of the County (i) a certificate of the County to comply with the requirements for a continuing disclosure undertaking of the County pursuant to subsection (b) (5) of the Rule and (ii) amendments to such certificate from time to time in accordance with the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The County hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. The remedies for any failure of the County to comply with and

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carry out the provisions of the Continuing Disclosure Certificate shall be as set forth therein.

Chairperson, on behalf of the Finance Committee, I move adoption of the foregoing resolution.

FINANCE COMMITTEE

Moved by Moss supported by Douglas the resolution be adopted.

AYES: Coulter, Crawford, Douglas, Gregory, Hatchett, Jamian, Knollenberg, Kowall, Law, Long, McMillin, Middleton, Moffitt, Moss, Palmer, Patterson, Potter, Rogers, Scott, Suarez, Webster, Wilson, Zack, Bullard, Coleman. (25)

NAYS: None. (0)

A sufficient majority having voted therefore, the resolution was adopted.

**MISCELLANEOUS RESOLUTION #04012**

BY: Finance Committee, Chuck Moss, Chairperson

**IN RE: DEPARTMENT OF MANAGEMENT AND BUDGET - FISCAL YEAR 2003 YEAR-END REPORT AND BUDGET AMENDMENTS**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS all accounts have been posted and final adjustments made for Fiscal Year (FY) 2003; and WHEREAS Statement #1 of the Governmental Accounting, Auditing and Financial Reporting Standards requires that encumbrances and appropriations carried-forward be treated as a reserved fund balance at the year-end and that such amounts be reappropriated in the subsequent year in order to be available for expenditure; and

WHEREAS the results of operations after consideration of expenditures, accruals, encumbrances, appropriations carried forward, transfers, adjustments, and closing entries was a favorable variance of total revenues over total charges as reflected in the attached schedule; and

WHEREAS FY 2003 General Fund actual revenue fell below budgeted revenue by \$15,711,545.29; and WHEREAS FY 2003 General Fund actual operating expenditures and transfers fell below budgeted operating expenditures and transfers by \$32,317,110.38, rendering overall operating revenues in excess of expenditures for FY 2003 of \$16,605,565.09; and

WHEREAS the following reserves have been created:

- \$50,890,224 in property tax revenue collected in FY 2003 to fund appropriations during the first quarter of FY 2004 (this will be accounted for and treated as a designated fund balance),
- \$1,356,929.84 for General Fund/General Purpose operations (784,4343.97 for General Fund alone) to cover encumbrances and pre-encumbrances obligated through the end of FY 2003,
- \$2,287,419 for General Fund/General Purpose operations to cover requested carry forward of unspent FY 2003 appropriations (these carry forward requests will be accounted for and treated as a designated fund balance),
- \$14,120 to cover long and short term advance,
- \$1,584,837 to cover pre-payments,
- \$352,690 for payroll and petty cash; and

WHEREAS a designated fund balance, in the amount of \$3,000,000 has been created in order to meet future capital facility needs of the County; and

WHEREAS Oakland County and other local governments have appealed a ruling regarding the State Tax Commission's rate table calculations of personal property taxes for public utilities; a designated fund balance of \$9,000,000 has been established to cover potential tax tribunal claims should that appeal be denied; and

WHEREAS Miscellaneous Resolution #02104 authorized the Drain Commissioner to implement a Watershed Management program for FY 2002 and FY 2003 and Miscellaneous Resolution #03240 authorized the remaining FY 2003 funds of \$432,479 be designated and applied to the FY 2004 budget and a designated fund balance has been established to for this and in addition, funding for these positions was budgeted in the Chapter 20/21 Drain Maintenance Funds, and a budget amendment is recommended to correct revenue and expenditure in these funds; and

WHEREAS subsequent to the events of September 11, 2001, the Administration reviewed the security of County facilities and operations and a designated fund balance of \$3,758,218 has been established to continue funding anticipated improvements recommended as a result of the study; and

WHEREAS the rates charged by the Information Technology fund do not include an amount required to replace equipment as it depreciates; \$2,900,000 has been designated to continue to build a replacement fund for future information technology needs; and

WHEREAS pursuant to Miscellaneous Resolution #89283, the Board of Commissioners established a Designated Fund for Operational Improvements, which makes available a source of funds departments can use to support innovative programs, providing the Board approves the use of the fund balance and the requesting department commits to a pay-back within six (6) years of the original allocation; the designated fund balance of \$2,278,000 is restored from current year favorability, resulting from efficiencies achieved due to implementation of approved projects; and

WHEREAS pursuant to Miscellaneous Resolution #02043, Oakland County purchased Peoplesoft Financial and Human Resource software, and per Miscellaneous Resolution. #03326, the Board authorized the re-designation of funding in the amount of \$5,000,000 to cover a portion of the estimated Phase I implementation costs; and

WHEREAS with the implementation of "Thin Client Computing" through Information Technology, a designated fund balance of \$2,232,572 has been established to fund the anticipated costs; and

WHEREAS a designated fund balance of \$255,000 has been created to cover enhancements to the information base of the County's Geographic Information System (GIS); and

WHEREAS Information Technology and the Health Division are collaborating in an effort to upgrade the technology used by the Health Division in the performance of their public health duties, including the scheduling and reporting of inspections, immunizations, etc., a designated fund balance of \$572,899 has been set aside to assist in funding these E-Health operations; and

WHEREAS an ongoing analysis reveals current receivables of \$2,000,000 due from the State of Michigan which could be in jeopardy as a result of economic conditions and a designated fund balance has been established for a potential loss; and

WHEREAS a designated fund balance, in the amount of \$500,000, has been set aside in order to respond to Health Emergency Response; and

WHEREAS \$2,287,419 of previously budgeted but unspent funds, designated for carry forwards in the General Fund is requested to be appropriated to departments for use (fund #101 - general ledger account #9407-079000), as reviewed and recommended by the Department of Management and Budget; and

WHEREAS the implementation of the COPS MORE grant, as well as the continued success of the CLEMIS system, has increased the demand for various CLEMIS related projects, such as Computer Aided Dispatch (CAD) and Automated Fingerprint Identification System (AFIS); a designated fund balance of \$642,000 has been established to meet the increased service demands; and

WHEREAS, pursuant to Miscellaneous Resolution #01249, the Board of Commissioners authorized the elimination of the separate County Library Fund and required that the remaining balance in that fund, including accrued interest, be transferred to the General Fund; and designated fund balance in the amount of \$171,695 reflecting the remaining Library Fund balance and accrued interest, has been included for the Library's use; and

WHEREAS a \$250,000 designated fund balance has been created for the Board of Commissioners to utilize on special projects; and

WHEREAS a designated balance in the amount of \$700,000 has been established to support the continuing development of a county-wide Fire Records Management system; and

WHEREAS many departments/divisions will be faced with a need for additional resources to ease the transitions resulting from staff reductions due to retirements and budget reductions; a designated fund balance of \$400,000 has been set aside to fund these transition costs; and

WHEREAS the Health Division, Equalization Division and Purchasing Division are participating in the Cost Reduction Incentive Management Program (CRIMP); a designated fund balance of \$148,067 is required to cover payment to these divisions based on verified annual savings; and

WHEREAS a designated fund balance in the amount of \$80,000 has been established to cover the cost for completing Phase II of the Community Corrections Division database project for efficiently collecting and maintaining caseload information; and

WHEREAS a designated fund balance in the amount of \$250,000 has been established for the development of an Emergency Operations Center (EOC) Technology Implementation Plan for tracking and documenting information before, during and after a disaster or emergency; and

WHEREAS a \$250,000 designated fund balance has been created to cover cost for Information Technology project of refining the Pontiac Police Department web-site (Pontiac COMSTAT) to be more user-centric, easier to update, focused on community policing, and capable of using crime statistics; and

WHEREAS the microwave system currently used by the Road Commission Davisburg Tower is outdated and can no longer be supported by the new radio tower system implemented, a designated fund balance of \$50,000 has been created to cover the cost of new radios for the Davisburg tower; and

WHEREAS a designated fund balance of \$65,000 has been established for developing a substance abuse triage program between Community Mental Health, Community Corrections and Community Program Inc.(CPI) as a jail diversion; and

WHEREAS a designated fund balance in the amount of \$65,000 has been established for Trade Missions to bring more business to Oakland County; and

WHEREAS due to the increase in the number of data security threats, a designated fund balance of \$3,000,000 has been created to fund the technology necessary to protect data privacy and security; and

WHEREAS efforts are continuing to seek out new grants to assist Oakland County with on-going operations and new programs, and a designated fund balance has been set aside for new grant opportunities in the amount of \$200,000; and

WHEREAS CLEMIS is in need of equipment replacement to accommodate the increase in service requests; a designated fund balance of \$780,000 has been established to cover the cost of equipment replacement; and

WHEREAS per Miscellaneous Resolution #03043 a Budget Transition Fund was created to account for appropriation reductions and revenue enhancements implemented in FY 2003, to mitigate the severity of budget reductions required to balance the County's budget for FY 2004 and FY 2005; a designated fund balance has been created for FY 2004 (\$3,503,694), FY 2005 (\$4,570,828), FY 2006 and beyond (\$5,557,981) and a \$3,500,000 designated fund balance has been created in anticipation of potential State Budget Reductions; and

WHEREAS Management and Budget recommends an amendment to the Medical Care Facility budget to correct budget appropriation for Human Services Department and the Department of Management and Budget within the Medical Care Facility Fund (521); and

WHEREAS the FY 2003 4th quarter amendment of \$95,700 to approve the transfer from the General Fund designations to Fire Records Management was inadvertently omitted and funding is available in the General Fund unreserved undesignated account for this purpose; and

WHEREAS the funds are to be redesignated to the Fire Records Management designated fund balance for FY 2004 to cover the 4th quarter costs; and

WHEREAS on November 19, 2003 the Library Board approved the use of up to \$30,000 from the designated fund for Oakland County Library for the replacement of computers at the Research Library; and

WHEREAS MR #03262 authorized \$1,500,000 to be designated in the General Fund as part of the FY 2003 year-end closing for cost associated with the Drain - Water and Sewer Master Plan; and

WHEREAS an appropriation of \$1,500,000 be established to cover cost associated with the Drain - Water and Sewer Master Plan; and

WHEREAS donations have been received by the Medical Care Facility, Parks and Recreation and Oakland County International Airport; and

WHEREAS donations have been received by Oakland County Restricted Funds which includes the following funds: Animal Control Legacy, Medical Examiner Family Grief Counseling, Medical Examiner Library Donation, Children's Village Donation, Probate Court Trust, Library Gift, Law Library, Blind/Handicapped Library, and the Easter Egg Hunt fund; and

WHEREAS Section 25 of the General Appropriations Act requires that the Board of Commissioners receive a quarterly report regarding adjustments made to Inmate Accounts on transactions billed in excess of ability to pay, as well as approve the write-off of any bad debt in excess of \$1,000; and

WHEREAS the Department of Management and Budget requests the write-off of \$133,249.20 in unpaid debts for services provided by the Medical Care Facility primarily due to exhausted funds within the patients estate, inability to locate patients discharged or relatives and closed cases; and

WHEREAS the Department of Management and Budget requests the write-off of \$115.54 in unpaid debt for outside services rendered by the Information Technology Division and the write-off of \$2,515 in unpaid debts within Parks and Recreation for equipment rental (\$750), shelter rental (\$265) and a 1999 agricultural lease (\$1,500); and

WHEREAS the Department of Management and Budget and Parks and Recreation have attempted several methods to collect these debts; and

WHEREAS in accordance with Governmental Accounting Standards Board (GASB) Statement #34, the County has established several restricted funds primarily due to donations made to the County for specific services, which total \$124,092.13.

NOW THEREFORE BE IT RESOLVED that the report of operations for Fiscal Year 2003, is accepted and the results of operations by line-item after inclusion of expenditures, accruals, encumbrances, appropriations carried-forward, transfers, adjustments, and closing entries is approved.

BE IT FURTHER RESOLVED in accordance with Section 25 of the General Appropriations Act, the Board of Commissioners approves the write-off of the debt in the amount of \$115.54 for Information Technology and \$2,515 for Parks and Recreation and \$133,249.20 for Medical Care Facility.

BE IT FURTHER RESOLVED that various line items in the FY 2003 General Fund / General Purpose Budgets be amended to include \$1,356,929.84 for outstanding purchase orders as detailed in the attached schedules.

BE IT FURTHER RESOLVED adjustments to the fund balance be approved as follows:

Balance Before Adjustments (result of FY 2003 activity)	\$ 16,605,565.09
<u>Add to General Fund Balance:</u>	
Prior Years Encumbrances & Carried Forwards	\$ 2,252,083.87
Decrease in Long Term Advances	10,172.51
Decrease in Prepays	521,048.86
Drain Records Conversion	2,070,000.00
Security Enhancements	191,804.00
Revenue Sharing Reserve	322,844.00
Operational Improvements	2,500,000.00
Sheriff's Helicopter	722,000.00
IT Thin Client	873,341.00
Northwest Highway Settlement	1,517,428.00
Emergency Response and Preparedness	2,000,000.00
E-Health	327,000.00
Senior Citizen Prescriptions	427,101.00
District Court Judges	100,000.00
County Library	46,784.00
Clerk Counter Renovations	77,000.00
CRIMP	<u>50,587.00</u>
Adjusted Total Including Additions	<u>\$ 14,396,901.24</u>
<u>Deduct from General Undesignated Fund Balance:</u>	
Increase in Petty Cash	(\$ 15,495.00)
Increase in reserve for Property Taxes	( 3,138,769.29)
Capital Improvement Reserve	( 1,400,000.00)
Future Technology Replacement	( 1,900,000.00)
Carry Forwards	( 1,666,301.00)
CLEMIS Match for Cops More	( 242,000.00)
Succession Planning/Transition	( 200,000.00)
Fire Records Management	( 366,800.00)
Pontiac Comstat/Web Site	( 250,000.00)
Community Corrections Database	( 80,000.00)
Jail Diversion - Mentally III	( 65,000.00)
Drain - Water & Sewer Master Plan	( 1,500,000.00)
Trade Mission	( 65,000.00)
Emergency Operations	( 250,000.00)
RCOC Davisburg Radio Tower Conversion	( 50,000.00)
Data Privacy and Security	( 3,000,000.00)

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New Grant Opportunities	( 200,000.00)
CLEMIS Equipment Replacement	( 780,000.00)
Budget Transition FY 2004	( 3,503,694.00)
Budget Transition FY 2005	( 4,570,828.00)
Budget Transition FY 2006	( 5,557,981.00)
State Budget Reductions	( 2,000,000.00)
Total Subtractions to General Fund Balance	<u>(\$30,601,868.29)</u>
Adjusted Total including Additions/Subtractions	\$ 400,598.04
Undesignated Fund Balance At Beginning of Year	\$ 82,369.67
Undesignated Fund Balance At the End of Year	<u>\$ 482,967.71</u>

BE IT FURTHER RESOLVED that the uncollectable debts, as recommended by the Department of Management and Budget, and as listed on the attached schedules, are authorized to be written off.

BE IT FURTHER RESOLVED that \$432,479 from the FY 2003 Designated Fund Balance be appropriated in the Drain Commissioner's budget per Miscellaneous Resolution #03240 for the Watershed Management project as follows:

GENERAL FUND

Revenue

90-190000-14000-1582 Prior Years Balance \$ 432,479

Expenditures

61-231001-70100-2001 Drain - Salaries	\$ 205,031
61-231001-70100-2074 Drain - Fringe Benefits	111,664
61-231001-70100-2572 Drain - Contracted Services	95,680
61-231001-70100-3292 Drain - Personal Mileage	1,200
61-231001-70100-4080 Drain - Educational Supplies	10,000
61-231001-70100-6664 Drain - Mailings	1,000
61-231001-70100-6639 Drain - Drain Equipment	7,904
Total Expenditures	<u>\$ 432,479</u>
	<u>\$ -0-</u>

BE IT FURTHER RESOLVED that CRIMP funds in the amount of \$51,497 from the FY 2003 Designated Fund Balance (GL #9407-008000) be appropriated in the Health Division budget for renovation at the Health South office.

GENERAL FUND

Revenue

90-190000-14000-1582 Prior Years Balance \$ 51,497

Expenditure

16-201200-33100-2448 Budgeted Projects \$ 51,497  
\$ -0-

BE IT FURTHER RESOLVED that \$95,700 from the FY 2003 Undesignated Unreserved Fund Balance (GL #9501) be designated in FY 2004 Fire Records Management Designated Fund Balance (#9401-61000) to cover the balance of FY 2003 costs and reappropriated to the Fire Records Management (FRM) fund for FY 2004 as follows:

GENERAL FUND

Revenue

90-190000-14000-1582 Prior Years Balance \$ 95,700

Expenditure

90-310000-98531-8001 Transfer out to FRMs \$ 95,700  
\$ -0-

FIRE RECORDS MANAGEMENT

Revenue

23-531003-98101-1701 Transfer in from General Fund \$ 95,700  
 Estimated Changes in Fund Equity \$ 95,700  
\$ -0-

BE IT FURTHER RESOLVED that funds of \$30,000 be appropriated to the Library Budget from the designated fund for Library (GL #9407-003000) for the replacement of computers at the research library and that the General Fund and corresponding Information Technology fund be amended.

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GENERAL FUND

Revenue

90-190000-14000-1582 Prior Years Balance \$ 30,000

Expenditure

51-331000-98636-8001 Transfer out to Info Tech fund \$ 30,000

\$ -0-

INFORMATION TECHNOLOGY FUND

Revenue

18-636113-98101-1701 Transfer in from General Fund \$ 30,000

Expenditure

18-636142-15000-4101 Expendable equipment 30,000

\$ -0-

BE IT FURTHER RESOLVED that \$1,500,000 be appropriated to the Drain Commissioner's budget from the designated fund for the Drain - Water and Sewer Master Plan (GL #9407-114000) as follows:

GENERAL FUND

Revenue

90-190000-14000-1582 Prior Years Balance \$ 1,500,000

Expenditures

61-211001-10199-3348 Drain - Professional Services \$ 1,500,000

\$ -0-

BE IT FURTHER RESOLVED that the Medical Care Facility Fund budget be amended for FY 2004 and FY 2005 as follows:

MEDICAL CARE FUND (521)

Expenditures

	<u>FY 2004</u>	<u>FY 2005</u>
12-623521-28000-2001 Salaries	\$63,154	\$ 63,154
12-623521-28000-2074 Fringe Benefits	25,900	25,900
16-301200-20200-2960 Indirect Cost	( 89,054)	( 89,054)
	<u>\$ -0-</u>	<u>\$ -0-</u>

Chairperson, on behalf of the Finance Committee, I move adoption of the foregoing resolution.

FINANCE COMMITTEE

Copy of Letter of Transmittal – Fiscal Year 2003 Year End Report, Revenues and Expenditures for Governmental Funds for the Fiscal Year Ended September 30, 2003, Encumbrances Fiscal Year Ended September 30, 2003, General Fund Equity as of September 30, 2003, Changes in General Fund Equity During Fiscal Year 2003, and Fiscal Year 2003 Year End Report General fund/General Purpose Revenue and Expenditures Summary by Department on file in County Clerk's office.

Moved by Moss supported by Bullard the resolution be adopted.

AYES: Crawford, Douglas, Gregory, Hatchett, Jamian, Knollenberg, Kowall, Law, Long, McMillin, Middleton, Moffitt, Moss, Palmer, Patterson, Potter, Rogers, Scott, Suarez, Webster, Wilson, Zack, Bullard, Coleman, Coulter. (25)

NAYS: None. (0)

A sufficient majority having voted therefore, the resolution was adopted.

**REPORT (MISC. #03372)**

BY: General Government Committee, William R. Patterson, Chairperson

**IN RE: BOARD OF COMMISSIONERS – SUPPORT FOR LEGISLATION INCREASING LOCAL CONTROL OVER APPROVAL, ISSUANCE, RENEWAL OR TRANSFER OF SDD AND SDM LIQUOR LICENSES**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

The General Government Committee, having reviewed Miscellaneous Resolution #03372 on January 12, 2004, reports with a recommendation that the resolution be amended, as follows:

1. Delete the 3rd Whereas

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2. Revise the BE IT FURTHER RESOLVED paragraph, as follows:

BE IT FURTHER RESOLVED that copies of this resolution be sent to ***the Michigan Municipal League, the Michigan Township Association, the Cities, Villages and Townships (CVTs) of Oakland County***, all State Representatives and Senators from Oakland County and the Michigan Association of Counties.

Chairperson, on behalf of the General Government Committee, I move acceptance of the foregoing report.

GENERAL GOVERNMENT COMMITTEE

MISCELLANEOUS RESOLUTION #03372

BY: Commissioners Charles E. Palmer, District #19 and Eric S. Wilson District #3

IN RE: BOARD OF COMMISSIONERS – SUPPORT FOR LEGISLATION INCREASING LOCAL CONTROL OVER APPROVAL, ISSUANCE, RENEWAL OR TRANSFER OF SDD AND SDM LIQUOR LICENSES

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS there has been a proliferation of convenience stores, drug stores, and grocery stores licensed to sell beer, wine, and/or liquor by the State of Michigan; and

WHEREAS greater numbers of sales outlets increase the demand for services provided by local governments including, but not limited to, law enforcement services; and

WHEREAS there are no tax benefits to local governments from take out beer, wine and liquor sales; and

WHEREAS local communities do not have the same control over licenses to sell take out beer, wine or package liquor as they do for Class C licenses; and

WHEREAS The Oakland County Board of Commissioners supports local governmental control over the licensing of package liquor, and beer and wine take out licenses.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners urges the Michigan Legislature to introduce and enact legislation to extend to local legislative bodies the same right to approve or disapprove the issuance, renewal or transfer of SDD and SDM liquor licenses as is now provided for Class C licenses.

BE IT FURTHER RESOLVED that copies of this resolution be sent to all State Representatives and Senators from Oakland County and the Michigan Association of Counties.

Chairperson, we move adoption of the foregoing resolution.

CHARLES PALMER, ERIC WILSON, GEORGE SUAREZ, TOM MCMILLIN, THOMAS LAW, WILLIAM PATTERSON, BILL BULLARD, HUGH CRAWFORD, MICHAEL ROGERS, CHUCK MOSS, JEFF POTTER, GREG JAMIAN, DAVID COULTER

Moved by Patterson supported by Palmer the resolution be adopted.

Moved by Patterson supported by Palmer the General Government Committee Report be accepted.

A sufficient majority having voted therefore, the report was accepted.

Moved by Patterson supported by Wilson the resolution be amended to coincide with the recommendation in the General Government Committee Report.

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A sufficient majority having voted therefore, the motion carried.

Vote on resolution, as amended:

AYES: Douglas, Gregory, Hatchett, Jamian, Knollenberg, Kowall, Law, Long, McMillin, Middleton, Moffitt, Moss, Palmer, Patterson, Potter, Rogers, Scott, Suarez, Webster, Wilson, Zack, Bullard, Coleman, Coulter, Crawford. (25)

NAYS: None. (0)

A sufficient majority having voted therefore, the resolution, as amended, was adopted.

**REPORT (MISC. #03373)**

BY: General Government Committee, William R. Patterson, Chairperson

**IN RE: BOARD OF COMMISSIONERS – SUPPORT FOR SUPER BOWL XL**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

The General Government Committee, having reviewed Miscellaneous Resolution #03373 on January 12, 2004, reports with a recommendation that the resolution be amended, as follows:

1. IN RE: MR #03373 – BOARD OF COMMISSIONERS – ~~SUPPORT FOR SUPER BOWL XL~~  
**SUPPORT FOR USE OF STATE CONVENTION FACILITY DEVELOPMENT FUND TO SUPPORT THE 2006 SUPER BOWL HOST COMMITTEE**
2. Delete 9th Whereas
3. Add the following two Whereas paragraphs after the 10th Whereas, as follows: **WHEREAS County Executive L. Brooks Patterson has recommended a funding method for the 2006 Super Bowl Host Committee which does not involve the use of budgeted taxpayer funds; and**  
**WHEREAS specifically, Mr. Patterson's proposal is to earmark one month's worth of the Tri-County Accommodations Tax collection from Oakland County hotels for use by the 2006 Super Bowl Host Committee, estimated value of the earmarked funds is \$500,000; and**

Chairperson, on behalf of the General Government Committee, I move acceptance of the foregoing report.

GENERAL GOVERNMENT COMMITTEE

MISCELLANEOUS RESOLUTION # 03373

BY: Commissioners Eileen T. Kowall, District #6, Martin J. Knollenberg, District #13

**IN RE: BOARD OF COMMISSIONERS - SUPPORT FOR SUPER BOWL XL**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the Detroit Super Bowl XL provides an exceptional opportunity for the entire regional to become partners in building bridges that join our communities; and

WHEREAS the Detroit Super Bowl XL Host Committee is a non-profit corporation that serves as the southeast Michigan region's liaison to the NFL. The Board of Directors is comprised of civic, corporate and community leaders from the region; and

WHEREAS the budget for the Detroit Super Bowl XL Host Committee is approximately \$14.3 million, of which, at least 60% will be from corporate sponsorships; and

WHEREAS it is projected that 32% of the 120,000 guests and 3,000 media expected to visit the region to attend the Super Bowl will be staying in Oakland County; and

WHEREAS Lawrence Technological University's economic impact study projected that Oakland County hotels, restaurants, trades and services will receive \$96 million in revenues and economic impact; and

WHEREAS the Detroit Super Bowl XL Host Committee has suggested \$500,000 in financial support from Oakland County Government; and

WHEREAS the Oakland County Board of Commissioners worked diligently with the County Executive to address budget challenges, including balancing shrinking revenues with an ever expanding need to provide quality services. Cost savings measures were instituted to eliminate a \$33 million shortfall in the county's \$590 million Fiscal Year 2003-2004 Budget; and

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WHEREAS an innovative alternative must be explored that will allow Oakland County to support the Detroit Super Bowl XL, without jeopardizing the quality of services Oakland County taxpayers expect from the prudent expenditure of their tax dollars; and

WHEREAS one proposal for consideration is the diversion of funds from the Convention Facility Development Fund for Cobo Hall; and

WHEREAS since 1985, the Detroit Tri-County (Oakland, Wayne and Macomb) Accommodations Tax has been imposed on hotels and motels, with the proceeds earmarked for the Convention Facility Development Fund; and

WHEREAS Pursuant to Public Act 106, these hotel/motel taxes have been collected in the tri-county region to pay for the construction and renovation costs of Cobo Hall. In 2002, Oakland County forwarded \$7.4 million to Detroit for debt service payments on Cobo Hall; and

WHEREAS a temporary diversion of funds from the Convention Facility Development Fund requires the Michigan State Legislature and Governor to approve an amendment to the Detroit Tri-County Accommodation Tax; and

WHEREAS the Convention Facility Development Funds is at no risk of a shortfall in bond payments due to this proposal, because debt service payments on Cobo Hall have a safety net that permits the Liquor Excise Tax, Public Act 107 of 1985, county liquor taxes to be diverted to the Convention Facility Development Fund to meet any unmet debt service requirements (FY 2002 \$29,241,688.00).

NOW THEREFORE BE IT RESOLVED THAT the Oakland County Board of Commissioners hereby supports the objectives of the Detroit Super Bowl XL Host Committee to build partnerships throughout our region.

BE IT FURTHER RESOLVED THAT the Oakland County Board of Commissioners hereby supports the following proposal to MCL 207.629, which would add subsection (4) as follows:

- (4) The first \$500,000 of excise taxes levied for the month of February, 2006, from convention hotels located in Oakland County shall be distributed to the [temporary] fund established by the Super Bowl XL Host Committee. This subsection shall only apply to the first \$500,000 in excise taxes collected in Oakland County for February, 2006, after which distributions shall be pursuant to subsection (1).

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners hereby urges the Michigan State Legislature and the Governor to adopt the proposed temporary amendment to the Detroit Tri-County Accommodations Tax.

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners hereby requests the Oakland County Clerk to forward copies of this adopted resolution to Governor Granholm, the Oakland County delegation to the State Legislature, the Michigan Association of Counties, Oakland County's Legislative Lobbyists, the Detroit Super Bowl XL Host Committee, Detroit Renaissance, Detroit Regional Chamber of Commerce, the Mayor and City Council of the City of Detroit and the County Commissioners and Executive for Wayne and Macomb County.

Chairperson, we move the adoption of the foregoing Resolution.

EILEEN KOWALL, MARTIN KNOLLENBERG,  
JOHN SCOTT, ERIC WILSON, JEFF POTTER,  
GREG JAMIAN, CHRISTINE LONG, BILL  
BULLARD, HELAINE ZACK, VINCENT  
GREGORY, HUGH CRAWFORD, WILLIAM R.  
PATTERSON, SUE ANN DOUGLAS

Moved by Patterson supported by Kowall the resolution be adopted.

Commissioner Moffitt, as a point of order, stated that when the Chairperson of the Standing Committee is presenting a resolution to be moved on the floor that they must read the Now Therefore Be It Resolved paragraph of the resolution.

Chairperson Law stated he would appreciate that being done.

Moved by Patterson supported by Knollenberg the General Government Committee Report be accepted.

Discussion followed.

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A sufficient majority having voted therefore, the report was accepted.

Moved by Patterson supported by Scott the resolution be amended to coincide with the recommendation in the General Government Committee Report.

Discussion followed.

Moved by McMillin to:

Amend the first "BE IT FURTHER RESOLVED" paragraph, so that in the proposed subsection (4) of MCL 207.629, the first sentence be changed by striking the words "[temporary] fund established by the Super Bowl XL Host Committee" and inserting in their place the words, "Oakland County General Fund for a possible tax cut for the citizens of Oakland County or for other uses determined by the Oakland County Board of Commissioners."

There being no support, therefore the motion failed.

Discussion followed.

Voice Vote on recommendation in the General Government Committee Report:  
A sufficient majority having voted therefore, the motion carried.

Vote on resolution, as amended:

AYES: Gregory, Hatchett, Jamian, Knollenberg, Kowall, Law, Long, Middleton, Moffitt, Moss, Patterson, Potter, Rogers, Scott, Suarez, Webster, Wilson, Zack, Bullard, Coleman, Coulter, Crawford, Douglas. (23)

NAYS: McMillin, Palmer. (2)

A sufficient majority having voted therefore, the resolution, as amended, was adopted.

**MISCELLANEOUS RESOLUTION #04013**

BY: General Government Committee, William Patterson, Chairperson

**IN RE: DEPARTMENT OF INFORMATION TECHNOLOGY/EMERGENCY RESPONSE AND PREPAREDNESS – TECHNOLOGY IMPROVEMENTS DESIGNATION**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the Oakland County Emergency Response and Preparedness Division is responsible for providing planning, response, recovery and mitigation services for natural, technological, national security and nuclear emergencies or disasters affecting Oakland County, Michigan; and

WHEREAS Oakland County has recognized that information technology can play a key role in these activities and is an integral part of the County's Homeland Security strategy; and

WHEREAS to fully leverage the capabilities of the County's information technology infrastructure during preparedness, response, recovery and mitigation activities, the County must implement several technology improvements in the Emergency Response and Preparedness Division (ERP) and Emergency Operations Center (EOC); and

WHEREAS improvements to the technology used by the County's ERP Division and EOC will include, but not be limited to, WebEOC enhancements, GIS application development, hardware upgrades, messaging applications, and communications; and

WHEREAS attached is the Oakland County Emergency Operations Center Technology Upgrade Plan which outlines the improvements to be made in the Emergency Response and Preparedness Division (ERP) and Emergency Operations Center (EOC); and

WHEREAS \$250,000 has been designated in the County's General Fund for ERP and EOC Technology Improvements.

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NOW THEREFORE BE IT RESOLVED that the Board of Commissioner's approves for use, the previously designated \$250,000 to improve technology in the Emergency Response and Preparedness Division and EOC.

Chairperson, on behalf of the General Government Committee, I move the adoption of the foregoing resolution.

GENERAL GOVERNMENT COMMITTEE

Copy of Oakland County Emergency Operations Center Information Technology Upgrade Plan on file in County Clerk's office.

The Chairperson referred the resolution to the Finance Committee. There were no objections.

**MISCELLANEOUS RESOLUTION #04014**

BY: General Government Committee, William Patterson, Chairperson

**IN RE: DEPARTMENT OF INFORMATION TECHNOLOGY - COMSTAT/CRIMEVIEW WEBSITE PROPOSAL - PONTIAC POLICE DEPARTMENT PILOT**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the Pontiac Police Department is part of the County's CLEMIS program and is on the County's OakNet broadband fiber optic network. The Pontiac Police Department uses Comstat reports from the CLEMIS CrimeView application and has been successful at reducing some crimes in its jurisdiction using these County-sponsored statistics; and

WHEREAS to fully leverage the capabilities of the County's technology infrastructure to uncover the wealth of data and information currently stored, the County will develop a web site for the Pontiac Police Department. The Comstat/CrimeView website will serve as a model and methodology for integrating future CLEMIS agencies in providing crime data; and

WHEREAS web based crime information will serve as a pilot for other agencies in the county and will be able to focus on its community policing program by delivering statistics and data reports, graphical charts, and web-based interactive maps in order to help identify crime patterns based on geography and time period; and

WHEREAS the crime statistics will be posted to the web for streamlined distribution which will add to the existing Comstat data to provide timely and accurate information about sex offenders and parolees released and/or residing in the area. Additionally, this information can be used by neighborhood watch groups and the public in an effort to further reduce crime in Oakland County; and

WHEREAS new GIS technology will be deployed through an Oakland County web service application, converting existing Pontiac crime view data and creating specialized data subsets that will be published to the web specifically to meet community policing objectives; and

WHEREAS the Comstat/Crimeview web site will be hosted on existing County web and/or web application servers. Additionally, Pontiac Police Dept will receive information architecture and content development support, design assistance and read-to-use design templates, Teamsite Training, Statistical Data Use Training, and customer support; and

WHEREAS the estimated cost for the development of the Comstat/Crimeview web site is \$250,000.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners authorizes the development of the Comstat/CrimeView web site for the Pontiac Police Department pilot.

Chairperson, on behalf of the General Government Committee, I move the adoption of the foregoing resolution.

GENERAL GOVERNMENT COMMITTEE

The Chairperson referred the resolution to the Finance Committee. There were no objections.

**MISCELLANEOUS RESOLUTION #03333**

BY: Personnel Committee, Thomas Middleton, Chairperson

**IN RE: BOARD OF COMMISSIONERS – DECREASE SALARY RANGE FOR OAKLAND COUNTY BOARD OF COMMISSIONERS’ ADMINISTRATIVE DIRECTOR – PROGRAM AND OPERATIONS ANALYSIS**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS a recent vacancy has occurred in the Administrative Director – Program and Operations Analysis position; and

WHEREAS the current annual salary range for this position is \$85,662 to \$110,174; and

WHEREAS the Board of Commissioners recognizes the budget constraints initiated by the County Executive due to revenue cutbacks by the State of Michigan; and

WHEREAS based on a recent review of the position by the Personnel Committee it is recommended the annual salary range be reduced to \$85,662 to \$99,000.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners approves the following annual salary range for the position of Board of Commissioner’s Administrative Director – Program and Operations Analysis:

<u>BASE</u>	<u>1 Year</u>	<u>2 Year</u>	<u>3 Year</u>
85,662	90,108	94,554	99,000

Chairperson, on behalf of the Personnel Committee, I move the adoption of the foregoing resolution.  
PERSONNEL COMMITTEE

FISCAL NOTE (MISC. #03333)

BY: Finance Committee, Chuck Moss, Chairperson

**IN RE: BOARD OF COMMISSIONERS – DECREASE SALARY RANGE FOR OAKLAND COUNTY BOARD OF COMMISSIONERS’ ADMINISTRATIVE DIRECTOR – PROGRAM AND OPERATIONS ANALYSIS**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

Pursuant to Rule XII-C of this Board, the Finance Committee has reviewed the above referenced resolution and finds:

1. A recent vacancy has occurred in the Administrative Director – Program and Operations Analysis position.
2. The current salary range is \$85,662 to \$110,174. The Board of Commissioners, recognizing budget constraints initiated by the County Executive due to revenue cutbacks by the State of Michigan and in concurrence with the Personnel Committee, is recommending the salary range be reduced to \$85,662 to \$99,000.
3. Cost savings amount to \$35,331 (Salary \$31,010 Fringe Benefits \$4,321).
4. A budget amendment is recommended for FY 2004 and FY 2005 as follows:

GENERAL FUND (101)

Expenditures

Dept	OCA	PCA	Object		<u>FY 2004</u>	<u>FY 2005</u>
51	211000	10000	2001	Salaries	(\$23,257)	(\$31,010)
51	211000	10000	2074	Fringe Benefits	( 3,241)	( 4,321)
90	290000	25000	3064	Legislative Expense	<u>26,498</u>	<u>35,331</u>
					<u>\$ -0-</u>	<u>\$ -0-</u>

FINANCE COMMITTEE

Moved by Jamian supported by Kowall the resolution be adopted.

AYES: Hatchett, Jamian, Knollenberg, Kowall, Law, Long, McMillin, Middleton, Moffitt, Moss, Palmer, Patterson, Potter, Rogers, Scott, Webster, Wilson, Zack, Bullard, Coleman, Coulter, Crawford, Douglas, Gregory. (24)

NAYS: Suarez. (1)

A sufficient majority having voted therefore, the resolution was adopted.

**REPORT (MISC. #03364)**

BY: Finance Committee, Chuck Moss, Chairperson

**IN RE: DEPARTMENT OF FACILITIES MANAGEMENT - ESTABLISHMENT OF AN INTERLOCAL JOINT OPERATING AGREEMENT BETWEEN THE COUNTY OF OAKLAND AND THE CITY OF ROCHESTER HILLS FOR OPERATION AND MAINTENANCE OF THE NEW 52-3 ROCHESTER DISTRICT COURTHOUSE AND SHERIFF SUBSTATION, 700 AND 750 BARCLAY CIRCLE, ROCHESTER HILLS, MI 48307**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

The Finance Committee having reviewed the above referenced resolution reports the following recommended amendment:

**Add the word "Hills" after the words "52-3 Rochester" in the title of the resolution.**

Chairperson, on behalf of the Finance Committee I move the acceptance of the foregoing report.

FINANCE COMMITTEE

MISCELLANEOUS RESOLUTION #03364

BY: Planning and Building Committee, Charles E. Palmer, Chairperson

**IN RE: DEPARTMENT OF FACILITIES MANAGEMENT – ESTABLISHMENT OF AN INTERLOCAL JOINT OPERATING AGREEMENT BETWEEN THE COUNTY OF OAKLAND AND THE CITY OF ROCHESTER HILLS FOR OPERATION AND MAINTENANCE OF THE NEW 52-3 ROCHESTER DISTRICT COURTHOUSE AND SHERIFF SUBSTATION, 700 AND 750 BARCLAY CIRCLE, ROCHESTER HILLS, MI 48307**

To the Oakland County Board of Commissioners

Chairperson, Ladies, and Gentlemen:

WHEREAS the County of Oakland and the City of Rochester Hills are engaged in the process of constructing a new 52-3 Rochester District Courthouse and Sheriff substation at 700 and 750 Barclay Circle in the City of Rochester Hills on land owned by the County of Oakland; and

WHEREAS pursuant to Miscellaneous Resolution. #02198 the County of Oakland and the City of Rochester Hills entered into a Construction Administration Agreement and a Sublease Agreement to provide for construction of a Sheriff Substation facility at 750 Barclay Circle, Rochester Hills, MI; and

WHEREAS the Sublease calls for the City of Rochester Hills to make the lease payments to be sufficient to enable the County to meet its principal and interest payments on the bonds as such principal and interest payments become due; and

WHEREAS upon the retirement of the bonds, the City of Rochester Hills will take ownership of the Substation and the associated 2.19 acres of property; and

WHEREAS the County and the City have determined that it is to their mutual benefit to enter into the attached Joint Operating Agreement for the purposes of operating and maintaining the Courthouse and Substation buildings, grounds, parking lots, utilities and all other operational aspects related to the functions and operations of said Courthouse and Substation facilities; and

WHEREAS it is the intent of the parties that the cost of maintaining and servicing the facility be as equitably apportioned as possible both on a yearly basis as well as over the term of the Joint Operating Agreement, with the understanding that a precise division of the costs will be neither practical nor cost effective; and

WHEREAS the terms and conditions of this Joint Operating Agreement shall commence on the date of issuance of a Certificate of Occupancy by the City for either the Courthouse or Substation and shall end on a date five (5) years after such commencement date hereinafter referred to as the "Original Term"; and WHEREAS this agreement may be renewed by mutual consent of the parties up to three (3) additional five (5) year terms or less, upon terms and conditions mutually agreeable to the parties at the time of renewal; and

WHEREAS the Departments of Facilities Management and Corporation Counsel have reviewed and/or prepared all necessary documents related to the attached Joint Operating Agreement between the City of Rochester Hills and the County of Oakland; and

WHEREAS it is the recommendation of the Department of Facilities Management that the Oakland County Board of Commissioners accept and approve the terms and conditions of the attached Joint Operating Agreement for the premises located at 700 and 750 Barclay Circle, Rochester Hills, MI 48307.

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NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners hereby approves and authorizes the attached Joint Operating Agreement for the premises located at 700 and 750 Barclay Circle, Rochester Hills, MI between the City of Rochester Hills and the County of Oakland.

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners hereby directs its Chairperson or designee to execute the attached Joint Operating Agreement for the premises located at 700 and 750 Barclay Circle, Rochester Hills, MI between the City of Rochester Hills and the County of Oakland.

Chairperson, on behalf of the Planning and Building Committee, I move the adoption of the foregoing resolution.

PLANNING AND BUILDING COMMITTEE

Copy of Joint Operating Agreement 52-3 Rochester District Court/Sheriff Substation, and Site Plan on file in County Clerk's office.

FISCAL NOTE (MISC. #03364)

BY: Finance Committee, Chuck Moss, Chairperson

IN RE: DEPARTMENT OF FACILITIES MANAGEMENT – ESTABLISHMENT OF AN INTERLOCAL JOINT OPERATING AGREEMENT BETWEEN THE COUNTY OF OAKLAND AND THE CITY OF ROCHESTER HILLS FOR OPERATION AND MAINTENANCE OF THE NEW 52-3 ROCHESTER HILLS DISTRICT COURTHOUSE AND SHERIFF SUBSTATION, 700 AND 750 BARCLAY CIRCLE, ROCHESTER HILLS, MI 48307

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

Pursuant to Rule XII-C of this Board, the Finance Committee has reviewed the above referenced resolution and finds:

1. The resolution approves and authorizes a Joint Operating Agreement between the County of Oakland and the City of Rochester Hills for the operation and maintenance of the new 52-3 Rochester Hills District Courthouse and Sheriff Substation, including buildings, grounds, parking lots, utilities, and all other operational functions.
2. The Agreement commences on the date of issuance of a Certificate of Occupancy by the City for either the Courthouse or Substation and ends five years thereafter.
3. The Agreement may be renewed by mutual consent for up to three additional five-year terms.
4. Oakland County will be responsible for and provide maintenance and operational services at the Court Building for all furnishings, HVAC, electrical, plumbing, fire suppression systems, communications equipment, and insurance.
5. The County will also be responsible for and provide maintenance and operational services at the Court and Substation buildings for all security systems and related equipment, custodial services, signage, and emergency generators.
6. The Facilities Maintenance & Operations Division estimates the County's annual cost for operation and maintenance of the facility at \$609,375.
7. Funding for the County's estimated cost is available in the FY 2004/2005 52-3 Rochester Hills District Court Budget, Building Space Cost Allocation account.
8. No additional funding is required.

FINANCE COMMITTEE

Moved by Palmer supported by Wilson the resolution be adopted.

Moved by Palmer supported by McMillin the Finance Committee Report be accepted.

A sufficient majority having voted therefore, the report was accepted.

Moved by Palmer supported by Potter the resolution be amended to coincide with the recommendation in the Finance Committee Report.

A sufficient majority having voted therefore, the motion carried.

Vote on resolution, as amended:

AYES: Jamian, Knollenberg, Kowall, Law, Long, McMillin, Middleton, Moffitt, Moss, Palmer, Patterson, Potter, Rogers, Scott, Suarez, Webster, Wilson, Zack, Bullard, Coleman, Coulter, Crawford, Douglas, Gregory, Hatchett. (25)

NAYS: None. (0)

A sufficient majority having voted therefore, the resolution, as amended, was adopted.

**REPORT (MISC. #04015)**

BY: Finance Committee, Chuck Moss, Chairperson

**IN RE: DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT - COMMUNITY AND HOME IMPROVEMENT DIVISION – FISCAL YEAR 2003 HOUSING COUNSELING GRANT ACCEPTANCE**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

The Finance Committee, having reviewed the above-referenced resolution, reports with the following recommended amendment:

Add WHEREAS paragraph after 7th WHEREAS paragraph as follows:

**WHEREAS the contract includes an addendum approved by the U.S. Department of Housing and Urban Development (HUD), which amends Article XII of the grant to state the Grantee will not disclose counseling information unless otherwise provided by the applicable statute or court rule, and Article VII and XV to state the Grantee may terminate this Agreement if the Grantee cannot comply with the written or oral instructions or amendments of the GTR provided for in Articles VII and XV.**

Chairperson, on behalf of the Finance Committee, I move acceptance of the foregoing report.

FINANCE COMMITTEE

Copy of Addendum to Housing Counseling Grant Fiscal Year 2003 on file in County Clerk.

**MISCELLANEOUS RESOLUTION #04015**

BY: Planning And Building Committee, Charles E. Palmer, Chairperson

**IN RE: DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT - COMMUNITY AND HOME IMPROVEMENT DIVISION – FISCAL YEAR 2003 HOUSING COUNSELING GRANT ACCEPTANCE**

To the Oakland County Board of Commissioners

Chairperson, Ladies, and Gentlemen:

WHEREAS the U.S. Department of Housing and Urban Development (HUD) has awarded the Department of Community and Economic Development – Community and Home Improvement Division federal housing counseling grant funding in the amount of \$38,836.00 for the 2003 federal fiscal year; and WHEREAS this is the 9th year of the grant; and

WHEREAS the grant award of \$38,836.00 represents a 35.27% variance from the application of \$60,000, and an increase of \$18,555.00 from last year's award of \$20,281.00; and

WHEREAS the grant provides a full range of housing counseling services, information and assistance to housing consumers in improving their housing conditions and meeting the responsibilities of home ownership and tenancy including information for first time buyers, pre-occupancy, rental delinquency and mortgage default assistance, Home Equity Conversion Mortgage Program, home improvement and rehabilitation resources, displacement and relocation resources and pre-foreclosure assistance; and

WHEREAS the County intends to use the grant to supplement Community Development Block Grant personnel funds allocated to deliver housing counseling services county-wide in accordance with the Federal Comprehensive Housing Counseling Program guidelines; and

WHEREAS no County funding is required for this grant continuation; and

WHEREAS this grant has been reviewed and approved through the County Executive's Contract Review Process.

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NOW THEREFORE BE IT RESOLVED the Oakland County Board of Commissioners accepts the FY 2003 Housing Counseling Grant in the amount of \$38,836.00.

BE IT FURTHER RESOLVED that future level of service, including personnel, will be contingent upon the level of funding available for this program.

BE IT FURTHER RESOLVED that acceptance of this grant does not obligate the County to any future commitment.

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners authorize the Board's Chairperson and the County Executive to execute the grant agreement and attached addendum and to approve amendments and extensions up to a fifteen (15) percent variance from the award.

Chairperson, on behalf of the Planning and Building Committee, I move the adoption of the foregoing resolution.

PLANNING AND BUILDING COMMITTEE

Copy of Memo regarding Revised Contract Review – Community and Home Improvement Division, Grant Assistance Award Amendment, and HUD Grant Agreement on file in County Clerk's office.

FISCAL NOTE (MISC. #04015)

BY: Finance Committee, Chuck Moss, Chairperson

IN RE: DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT – COMMUNITY AND HOME IMPROVEMENT DIVISION – FISCAL YEAR 2003 HOUSING COUNSELING GRANT ACCEPTANCE

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

Pursuant to Rule XII-C of this Board, the Finance Committee has reviewed the above referenced resolution and finds:

1. The U.S. Department of Housing and Urban Development has awarded federal FY 2003 Housing Counseling Grant funding in the amount of \$38,836 to the Community & Home Improvement Division.
2. The grant will supplement Community Development Block Grant funds allocated to deliver housing counseling services in accordance with Federal Comprehensive Housing Counseling Program guidelines.
3. This is the ninth (9<sup>th</sup>) year of the grant.
4. The funding period is from October 1, 2003 through September 30, 2004.
5. The award is \$21,164 less than the application amount of \$60,000 and \$18,555 more than the FY 2002 award of \$20,281.
6. No County match is required for this grant continuation.
7. Indirect costs of \$22,429 are associated with this grant. However, indirect cost is not paid due to administrative and planning limits for this grant.
8. An amendment to the Community and Home Improvement Division's FY 2004 Special Revenue Fund Budget is recommended as follows:

<u>Revenue</u>		
19-703400-60006-0113	Grants – Federal	\$38,836
<u>Expenditure</u>		
19-703401-60006-2001	Salaries	<u>38,836</u>
		<u>\$ -0-</u>

FINANCE COMMITTEE

Moved by Palmer supported by Coleman the resolution be adopted.

Moved by Palmer supported by Zack the Finance Committee Report be accepted.

A sufficient majority having voted therefore, the report was accepted.

Moved by Palmer supported by Gregory the resolution be amended to coincide with the recommendation in the Finance Committee Report.

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A sufficient majority having voted therefore, the motion carried.

Vote on resolution, as amended:

AYES: Knollenberg, Kowall, Law, Long, McMillin, Middleton, Moffitt, Moss, Palmer, Patterson, Potter, Rogers, Scott, Suarez, Webster, Wilson, Zack, Bullard, Coleman, Coulter, Crawford, Douglas, Gregory, Hatchett, Jamian. (25)

NAYS: None. (0)

A sufficient majority having voted therefore, the resolution, as amended, was adopted.

**MISCELLANEOUS RESOLUTION #04016**

BY: Planning and Building Committee, Charles E. Palmer, Chairperson

**IN RE: DRAIN COMMISSIONER - INTERLOCAL AGREEMENTS FOR STORMWATER DETENTION POND AND STREAM BANK INVENTORY PROJECT**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS pursuant to Miscellaneous Resolutions #02162 and #02163, the County applied for, and was awarded, federal grant funding not exceeding a total of \$103,995 (Main 1-2 Stormwater Detention Pond Inventory Project \$54,350 grant and Main 1-2 Stream Bank Inventory Project \$49,645) from the County of Wayne via United States Environmental Protection Agency (USEPA), to implement inventory of detention ponds and stream banks; and

WHEREAS said grant, among other things, requires a 50% match in funds or in-kind services; and

WHEREAS Bloomfield Township, West Bloomfield Township, City of Birmingham, City of Bloomfield Hills, City of Farmington Hills, City of Rochester Hills, City of Southfield, City of Troy, Village of Beverly Hills and Village of Bingham Farms ("Municipalities") have requested the Oakland County Drain Commissioner for assistance in administering the stormwater detention pond and streambank inventory project ("Project"); and

WHEREAS subject to the conditions contained in the attached agreement, the Municipalities, will agree to reimburse the County as provided for in the attached copies of interlocal agreements; and

WHEREAS the attached agreements have been reviewed and approved by the Corporation Counsel; and

WHEREAS the scope of the Project is set forth in the Scope of Services attached to the attached interlocal agreements; and

WHEREAS the Municipalities recognize and agree that, absent an agreement the County has no obligation to provide these services or grant funding to or for the Municipalities.

NOW THEREFORE BE IT RESOLVED the Oakland County Board of Commissioners authorizes its Chairperson to execute the attached Interlocal Agreements with Bloomfield Township, West Bloomfield Township, City of Birmingham, City of Bloomfield Hills, City of Farmington Hills, City of Rochester Hills, City of Southfield, City of Troy, Village of Beverly Hills and Village of Bingham Farms.

BE IT FURTHER RESOLVED the Drain Commissioner is authorized to proceed with the administering the Detention Pond and Streambank Inventory Project.

Chairperson, on behalf of the Planning and Building Committee, I move the adoption of the foregoing resolution.

PLANNING AND BUILDING COMMITTEE

Copy of Oakland County Drain Commissioner's Contracts for Storm Water Management Services with the Village of Beverly Hills, Bingham Farms, Birmingham, Bloomfield Hills, Bloomfield Township, Farmington Hills, Rochester Hills, City of Southfield, Troy, and West Bloomfield Township on file in County Clerk's office.

The Chairperson referred the resolution to the Finance Committee. There were no objections.

**MISCELLANEOUS RESOLUTION #04017**

BY: Planning and Building Committee, Charles E. Palmer, Chairperson

**IN RE: DEPARTMENT OF FACILITIES MANAGEMENT – REQUEST FOR APPROVAL OF LEASE AGREEMENT WITH HD DEVELOPMENT OF MARYLAND, INC., A MARYLAND CORPORATION C/O HOME DEPOT FOR THE NEW COUNTY-WIDE RADIO SYSTEM**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the Oakland County Board of Commissioners, by Miscellaneous Resolution #98308, recognized that the County's current 800MHz radio system needed to be upgraded and expanded to encompass all public safety agencies and to create interoperability between public safety agencies; and WHEREAS the Oakland County Board of Commissioners, pursuant to MCL 484.1401 and Miscellaneous Resolution #99279, authorized the levy of a four (4%) percent emergency telephone operational charge to pay for a new County-wide radio system that will have the ability to encompass all public safety agencies and create interoperability between public safety agencies; and

WHEREAS to properly implement and operate the new County-wide radio system, the County will need to build towers, lease land, and/or lease space on towers at sites throughout the County; and

WHEREAS it is the recommendation of the Departments of Facilities Management and Information Technology that the Oakland County Board of Commissioners accept and approve the terms and conditions of the attached Lease Agreement; and

WHEREAS under the attached Lease Agreement, the County will construct, operate and maintain a radio tower to be located at 225 Avon Road, Rochester Hills; and

WHEREAS the initial term of the lease shall commence on January 1, 2004 and expire on December 31, 2008. Rent for the term of the lease and three renewable terms shall be \$200.00 per year; and

WHEREAS the Departments of Facilities Management, Information Technology, and Corporation Counsel have reviewed and/or prepared all necessary documents related to the attached lease agreement.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners hereby approves and authorizes the attached lease agreement between the County of Oakland and HD Development of Maryland, a Maryland Corporation, c/o Home Depot.

BE IT FURTHER RESOLVED that the County of Oakland Board of Commissioners hereby directs its Chairperson to execute the attached construction license and lease agreement between the County of Oakland and HD Development of Maryland, a Maryland Corporation, c/o Home Depot.

Chairperson, on behalf of the Planning and Building Committee, I move the adoption of the foregoing resolution.

PLANNING AND BUILDING COMMITTEE

Copy of Lease Agreement, Exhibits A, B, and C on file in County Clerk's office.

The Chairperson referred the resolution to the Finance Committee. There were no objections.

**MISCELLANEOUS RESOLUTION #04018**

BY: Planning and Building Committee, Charles E. Palmer, Chairperson

**IN RE: DEPARTMENT OF FACILITIES MANAGEMENT – RECOMMENDATION TO GRANT EASEMENT FOR UNDERGROUND ELECTRIC SERVICE TO THE DETROIT EDISON COMPANY - INDEPENDENCE OAKS COUNTY PARK (TAX PARCEL NO. 08-09-200-004)**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the County of Oakland is the owner of Independence Oaks County Park located in Independence Township; and

WHEREAS the Oakland County Parks Commission is proceeding with its planned campground improvements at Independence Oaks County Park; and

WHEREAS as a condition of providing underground electric service to the campground area, the Detroit Edison Company has requested that the County of Oakland grant a permanent easement for underground electric service and related appurtenances over a portion of the park property; and

WHEREAS the Oakland County Parks Commission and the Detroit Edison Company have agreed upon a route for the said underground electric service which will provide power to the campground area; and

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WHEREAS the Departments of Facilities Management and Corporation Counsel have reviewed and/or prepared all necessary documents related to the granting of the easement.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners hereby authorizes and approves the granting of the attached easement for underground electric service and related appurtenances to the Detroit Edison Company for the sum of one dollar.

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners hereby directs its Chairperson or designee to execute the attached easement for underground electric service and related appurtenances.

Chairperson, on behalf of the Planning and Building Committee, I move the adoption of the foregoing resolution.

PLANNING AND BUILDING COMMITTEE

Copy of Grant of Non-Exclusive Underground Easement, and Exhibit A on file in County Clerk's office.

The Chairperson referred the resolution to the Finance Committee. There were no objections.

**MISCELLANEOUS RESOLUTION #04019**

BY: Planning and Building Committee, Charles E. Palmer, Chairperson

**IN RE: DEPARTMENT OF FACILITIES MANAGEMENT – RECOMMENDATION TO GRANT EASEMENT FOR UNDERGROUND ELECTRIC SERVICE TO THE DETROIT EDISON COMPANY - ADDISON OAKS COUNTY PARK (TAX PARCEL NO. 05-33-200-001)**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the County of Oakland is the owner of Addison Oaks County Park located in Addison Township; and

WHEREAS the Oakland County Parks Commission is proceeding with its planned campground improvements at Addison Oaks County Park; and

WHEREAS as a condition of providing underground electric service to the campground area, the Detroit Edison Company has requested that the County of Oakland grant a permanent easement for underground electric service and related appurtenances over a portion of the park property; and

WHEREAS the Oakland County Parks Commission and the Detroit Edison Company have agreed upon a route for the said underground electric service which will provide power to the campground area; and

WHEREAS the Departments of Facilities Management and Corporation Counsel have reviewed and/or prepared all necessary documents related to the granting of the easement.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners hereby authorizes and approves the granting of the attached easement for underground electric service and related appurtenances to the Detroit Edison Company for the sum of one dollar.

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners hereby directs its Chairperson or designee to execute the attached easement for underground electric service and related appurtenances.

Chairperson, on behalf of the Planning and Building Committee, I move the adoption of the foregoing resolution.

PLANNING AND BUILDING COMMITTEE

Copy of Grant of Non-Exclusive Underground Easement, and Exhibit A on file in County Clerk's office.

The Chairperson referred the resolution to the Finance Committee. There were no objections.

**MISCELLANEOUS RESOLUTION #04020**

BY: Planning and Building Committee, Charles E. Palmer, Chairperson

**IN RE: DEPARTMENT OF FACILITIES MANAGEMENT – RECOMMENDATION TO GRANT EASEMENT FOR UNDERGROUND ELECTRIC SERVICE TO THE DETROIT EDISON COMPANY - OAKLAND COUNTY INTERNATIONAL AIRPORT (TAX PARCEL NO. 13-17-400-003)**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the County of Oakland is the owner of Oakland County International Airport located in Waterford Township; and

WHEREAS Lessee Williams International Corporation has constructed a new hangar facility on leased property at the Oakland County International Airport; and

WHEREAS as a condition of providing underground electric service to the project site, the Detroit Edison Company has requested that the County of Oakland grant a permanent easement for underground electric service and related appurtenances over a portion of the airport property; and

WHEREAS the airport staff and the Detroit Edison Company have agreed upon a route for the said underground electric service which will provide power to the project area; and

WHEREAS the Departments of Facilities Management and Corporation Counsel have reviewed and/or prepared all necessary documents related to the granting of the easement.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners hereby authorizes and approves the granting of the attached easement for underground electric service and related appurtenances to the Detroit Edison Company for the sum of one dollar.

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners hereby directs its Chairperson or designee to execute the attached easement for underground electric service and related appurtenances.

Chairperson, on behalf of the Planning and Building Committee, I move the adoption of the foregoing resolution.

PLANNING AND BUILDING COMMITTEE

Copy of Grant of Non-Exclusive Underground Easement, and Exhibits A and B on file in County Clerk's office.

The Chairperson referred the resolution to the Finance Committee. There were no objections.

**MISCELLANEOUS RESOLUTION #04021**

BY: Planning and Building Committee, Charles E. Palmer, Chairperson

**IN RE: DEPARTMENT OF FACILITIES MANAGEMENT – RECOMMENDATION TO GRANT EASEMENT FOR UNDERGROUND ELECTRIC SERVICE TO THE DETROIT EDISON COMPANY - NEW 52-3 COURTHOUSE AND SHERIFF SUBSTATION, LOCATED IN THE CITY OF ROCHESTER HILLS (TAX PARCEL NO. 15-26-377-001)**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the County of Oakland is proceeding with the construction of a new Courthouse and Sheriff Substation on Barclay Circle in the City of Rochester Hills to replace the existing leased courthouse facilities; and

WHEREAS as a condition of providing underground electric service to the new buildings, the Detroit Edison Company has requested that the County of Oakland grant a permanent easement for underground electric service and related appurtenances over a portion of the Court property; and

WHEREAS the Department of Facilities Management and the Detroit Edison Company have agreed upon a route for the said underground electric service which will provide power to both buildings; and

WHEREAS the Departments of Facilities Management and Corporation Counsel have reviewed and/or prepared all necessary documents related to the granting of the easement.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners hereby authorizes and approves the granting of the attached easement for underground electric service and related appurtenances to the Detroit Edison Company for the sum of one dollar.

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BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners hereby directs its Chairperson or designee to execute the attached easement for underground electric service and related appurtenances.

Chairperson, on behalf of the Planning and Building Committee, I move the adoption of the foregoing resolution.

PLANNING AND BUILDING COMMITTEE

Copy of Grant of Non-Exclusive Underground Easement, Exhibit A, and Location Map on file in County Clerk's office.

The Chairperson referred the resolution to the Finance Committee. There were no objections.

**MISCELLANEOUS RESOLUTION #04022**

BY: Planning and Building Committee, Charles E. Palmer, Chairperson

**IN RE: DIVISION OF WASTE RESOURCES - RESOLUTION APPROVING THE INTERLOCAL AGREEMENTS FOR THE NORTH OAKLAND COUNTY HOUSEHOLD HAZARDOUS WASTE CONSORTIUM**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS Oakland County and its northern municipalities are committed to protection of the natural environment and preventing toxic materials from entering our waterways and landfill resources; and

WHEREAS the improper handling and disposal of toxic and poisonous household chemicals poses a health risk to our citizens; and

WHEREAS recognizing there is a need to provide regular and easily accessible household hazardous waste collection services to North Oakland County residents; and

WHEREAS collection events for household hazardous waste are widely accepted as the best way to provide citizens with a safe way to dispose of these toxic and poisonous household chemicals, meet Phase II Stormwater Protection requirements, encourage pollution prevention and enhance environmental health and safety in the home; and

WHEREAS Oakland County, through its Waste Resource Management Division has facilitated the creation of the North Oakland County Household Hazardous Waste Consortium (NO HAZ), and

WHEREAS participating municipalities in Northern Oakland County have appointed an official representative to the NO HAZ Consortium Board; and

WHEREAS the NO HAZ consortium has developed a household hazardous waste collection program; and

WHEREAS the municipalities recognize and agree that absent an agreement with the County, the County has no obligation to facilitate such a program; and

WHEREAS the County's Corporation Counsel has reviewed and approved an Interlocal Agreement between the County and a number of municipalities in North Oakland County for the creation of a program to collect household hazardous waste; and

WHEREAS the interlocal Agreement has been previously approved or is being considered by these currently participating communities: Addison, Brandon, Commerce, Groveland, Lake Angelus, Oxford, Orchard Lake, Pontiac, Rochester, Rochester Hills, Rose, Springfield, Sylvan Lake, Waterford, White Lake; and

WHEREAS the interlocal Agreement is also being offered to the following communities that have previously expressed an interest in participating: Auburn Hills, Bloomfield, Clarkston, Highland, Holly, Independence, Lake Orion, Oakland, Orion, West Bloomfield; and

WHEREAS this Interlocal Agreement requires participating municipalities to fully reimburse the County for all costs it incurs in connection with the NO HAZ program.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners approves the attached Interlocal Agreement and authorizes the Chairperson of the Board to sign the Agreement with all municipalities who have signed the Interlocal Agreement and passed a resolution in support thereof.

Chairperson, on behalf of the Planning & Building Committee, I move the adoption of the foregoing resolution.

PLANNING AND BUILDING COMMITTEE

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Copy of North Oakland County Household Hazardous Waste Interlocal Agreement, Exhibit A, B, 2004 NO HAZ Event and Educational Operations and Waste Disposition on file in County Clerk's office.

The Chairperson referred the resolution to the Finance Committee. There were no objections.

Commissioner Palmer requested a Public Hearing be scheduled for the purpose of allowing public comment on the Board of Commissioners – Department of Planning and Economic Development – Resolution Approving Project Plan (The Catholic Central High School of Detroit Project) City of Novi. The Chairperson scheduled the Public Hearing for February 5, 2004 at 9:45 a.m. in the Board of Commissioners Auditorium.

**MISCELLANEOUS RESOLUTION #04023**

BY: Public Services Committee, Hugh D. Crawford, Chairperson

**IN RE: CIRCUIT COURT/FAMILY DIVISION – PROBATE COURT – ATTORNEY APPOINTMENT PROGRAM AND PERSONNEL RELATED ITEM**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS upon order of the Michigan Supreme Court, Michigan Court Rule 8.123 requires each trial court (Circuit, Probate, and Municipal courts) to adopt a local administrative order that describes the court's procedures for selection, appointment, and compensation of counsel who represent indigent parties; and

WHEREAS the State Court Administrative Office has required that a trial court's local administrative order must:

- 1) Contain a Plan for Appointment: selecting, appointing and compensating counsel who represent indigent parties;
- 2) Be Approved by SCAO; and

WHEREAS Michigan Court Rule 8.123 requires an annual compilation of a written or electronic report of appointments and expenditures of public funds for attorney fees; and

WHEREAS Michigan Court Rule 8.123 requires the availability of trial court records for inspection by the public; and

WHEREAS the General Jurisdiction (Civil) Division of Circuit Court already put in place a "plan" to select, appoint and compensate counsel as well as meet the requirements regarding keeping and availability of appointment records; and

WHEREAS in excess of 4,300 attorney appointments are made annually by the Circuit Court/Family Division and Probate Court; and

WHEREAS several new clerical, data collection, and reporting functions must be performed by trial courts to comply with the provisions of Michigan Court Rule 8.123 and the requirements of the State Court Administrative Office; and

WHEREAS the Sixth Judicial Circuit/Family Division and Oakland County Probate Courts wishes to provide for the discharge of these new functions by requesting that one (1) General Fund/General Purpose Court Appointment Specialist classification and position be created for this function; and

WHEREAS the Circuit and Probate Courts have identified savings and funding sources that will cover the cost of the requested position.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners approves the creation of one (1) General Fund /General Purpose, Overtime non-exempt, salary grade 8, Court Appointment Specialist classification and position located in Circuit Court/ Family Division/ Judicial Support (35403).

BE IT FURTHER RESOLVED that this position will administer the selection, appointment and compensation of court appointed indigent defense counsel as well as keep and make available attorney appointment information for the Circuit Court/ Family Division and Probate Court.

Chairperson, on behalf of the Public Services Committee, I move the adoption of the foregoing resolution.

PUBLIC SERVICES COMMITTEE

The Chairperson referred the resolution to the Personnel Committee and the Finance Committee. There were no objections.

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**MISCELLANEOUS RESOLUTION #04024**

BY: Tom McMillin, County Commissioner, District #11

**IN RE: BOARD OF COMMISSIONERS - OPPOSITION TO OAKLAND COUNTY TAXPAYERS FUNDING OF CONSTRUCTION PROJECTS OUTSIDE OF OAKLAND COUNTY**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the Oakland County Board of Commissioners is charged with overseeing all budgetary and spending matters involving Oakland County tax dollars; and

WHEREAS in recent months, there has been discussion of a possible new income, sales or property tax to help fund a Cobo Hall expansion project; and

WHEREAS the taxpayers of Oakland County are already overtaxed.

THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners does not support any new income, sales or property tax to be collected from Oakland County taxpayers for use in funding construction projects outside of Oakland County.

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners directs County Corporate Counsel to draft an ordinance that would prohibit the use of any current or future income, sales, or property tax revenue collected from Oakland County taxpayers to fund construction projects outside of Oakland County.

Chairperson, I move the adoption of the foregoing resolution.

TOM MCMILLIN

The Chairperson referred the resolution to the General Government Committee. There were no objections.

**MISCELLANEOUS RESOLUTION #04025**

BY: Eileen Kowall, District #6

**IN RE: WEST NILE VIRUS FUND REIMBURSEMENT FOR PROJECT IN WHITE LAKE TOWNSHIP – FISCAL YEAR 2003 ALLOCATION**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the Oakland County Board of Commissioners established a West Nile Virus Fund Disbursement Policy per Miscellaneous Resolution #03060 in an effort to assist cities, villages and townships (CVTs) with mosquito control measures to prevent the spread of West Nile Virus and to help protect the health, safety and welfare of the people of Oakland County; and

WHEREAS pursuant to the Disbursement Policy, White Lake Township has submitted a resolution of authorization to the County for reimbursement of expenses incurred in connection with an eligible mosquito control project; and

WHEREAS the FY 2003 authorized amount of funding for White Lake Township is \$13,968.40 from the West Nile Virus Fund as repayment to White Lake Township for expenses incurred in connection with mosquito control projects.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners approves the project submitted by White Lake Township as eligible for reimbursement from the West Nile Virus Fund.

BE IT FURTHER RESOLVED that the Board authorizes the FY 2003 appropriation in the amount of \$13,968.40 from the West Nile Virus Fund to repay White Lake Township for expenses incurred in connection with the mosquito control project, once proper invoices are presented.

Chairperson, I move the adoption of the foregoing resolution.

EILEEN KOWALL

Copy of letters from George Miller, M.A., Manager/Health Officer, Carol J. Burkard, Clerk of White Lake Township, Proposed Project for 2004 White Lake Twp. Mosquito Control Program, Resolution – West Nile Virus Fund Expense Reimbursement Request, and Memo In Regards to West Nile Virus Fund Reimbursement Request on file in County Clerk's office.

The Chairperson referred the resolution to the General Government Committee and the Finance Committee. There were no objections.

**MISCELLANEOUS RESOLUTION # 04026**

BY: Commissioner Hugh D. Crawford, District #9

**IN RE: BOARD OF COMMISSIONERS - REPRESENTATION CONCERNS ON THE STATE PLANNING TEAM FOR HOMELAND SECURITY GRANTS**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the terrorist incidents occurring in New York and Pennsylvania and at the Pentagon on September 11, 2001 has caused the United States to develop programs and bolster first responder capabilities related to fighting terrorism and weapons of mass destruction; and

WHEREAS substantial federal funding has been released under the U. S. Department of Homeland Security, through the Office for Domestic Preparedness (ODP), for the State Homeland Security Grant Program to support our first responder abilities to respond to a Chemical, Biological, Radiological, Nuclear or Explosive (CBRNE) related event; and

WHEREAS the Michigan State Police Emergency Management Division (MSP EMD) has appointed a State Planning Team (SPT) with individuals not representative of the counties in southeast Michigan, which make up approximately 60 percent of the State's population as well as 80 plus percent of the State's critical infrastructure; and

WHEREAS MSP EMD is directing the SPT to prioritize, determine funding formulas, and direct future grant money without the participation and input of the local communities in southeast Michigan as it relates to risk, vulnerable areas, threats, and equipment shortfalls; and

WHEREAS MSP EMD has closed the meetings of the SPT to the communities (including first responders, defined as police, fire and emergency medical services personnel) who provided the needs and vulnerability assessment information under the premise of Homeland Security which provides protection from disclosure information relating to critical infrastructure; and

WHEREAS proportionate population and critical infrastructure based funding should be directed to the first responder community to encourage building mutual aid consortia to address approaches, organization, and procedures for preventing terrorist use of nuclear weapons, detecting chemical and biological materials and attacks, and improving response capabilities; and

WHEREAS Oakland County represents 11% of the State population and only receives approximately 3% of the Homeland Security funding based upon the current grant formulas developed by the State; and

WHEREAS once the Homeland Security formula is set for allocating resources, the formula will develop entrenched constituency groups in its defense; and

WHEREAS the MSP and other State departments are represented on the SPT and receiving Homeland Security funds for State programs; and

WHEREAS the County has developed effective mutual aid consortia by encouraging cooperative relationships with the first responders through grants provided to the local governmental units with both County General Fund appropriations from the Board of Commissioners and funds received through the State; and

WHEREAS the County would encourage the State to actively work in building local consortia and/or supporting local consortia already in existence; and

WHEREAS the County's significant experience in building consortia and the experience of other counties, including first responders and emergency managers, would benefit in development of mutual aid relationships in the case of an emergency; and

WHEREAS many other organizations involving police, fire/EMS and emergency management functions have called for representation on the SPT; and

WHEREAS State representatives have asserted that the City of Detroit emergency manager sits on the SPT to represent urban emergency management interests and the six county region (despite having no input from those counties).

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners requests and urges that the region of southeast Michigan be adequately represented on the SPT for the purpose of objectivity in fund distribution and adequate assessments of vulnerability.

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners requests that the funding formulas be based primarily upon population, critical infrastructure and vulnerability.

BE IT FURTHER RESOLVED that the SPT meetings be open to the first responder community for all but the most sensitive homeland security discussions.

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BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners hereby requests that the Oakland County Clerk forward copies of this adopted resolution to Wayne County, Macomb County, St. Clair County, Monroe County, Washtenaw County, Governor Granholm and the Oakland County delegation to the State Legislature.

Chairperson, I move the adoption of the foregoing resolution.

HUGH CRAWFORD, TOM MCMILLIN, EILEEN KOWALL, JEFF POTTER, THOMAS MIDDLETON, CHRISTINE LONG, DAVID MOFFITT, WILLIAM PATTERSON, ERIC WILSON, SUE ANN DOUGLAS, GREG JAMIAN, JOHN SCOTT, CHARLES PALMER, PETER WEBSTER, MICHAEL ROGERS, THOMAS LAW, MARTIN KNOLLENBERG, BILL BULLARD, CHUCK MOSS, GEORGE SUAREZ, DAVID COULTER, ERIC COLEMAN, VINCENT GREGORY, HELAINE ZACK, MATTIE HATCHETT

The Chairperson referred the resolution to the General Government Committee and the Public Services Committee. There were no objections.

**MISCELLANEOUS RESOLUTION #04027**

BY: Peter H. Webster, County Commissioner, District #18

**IN RE: BOARD OF COMMISSIONERS - MORATORIUM ON DETROIT WATER AND SEWER RATE HIKES TO ALLOW FOR BUDGET AND RATE SETTING PROCESS REVIEW**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the City of Detroit through its Water and Sewerage Department ("DWSD") supplies water and wastewater services to much of southeastern Michigan, and the proficient and efficient provision of service by DWSD is essential to the health and welfare of the citizens of southeastern Michigan; and WHEREAS DWSD is a regional system that must be accountable to the regional customers, and the communities served by the regional system have been paying ever increasing water and sewer bills for several years; and

WHEREAS the current process for setting and determination of rates and the total annual cost for water and sewer services has caused continued concern among its customers because of an inability to determine with specificity the legitimate reasons for rate hikes; and

WHEREAS the rate formulation process must begin at such time as to allow full disclosure permitting stakeholders to engage in meaningful review and evaluation and make constructive suggestions; and

WHEREAS the Mayor of Detroit and the Detroit City Council must permit an evaluation of the efficiency of the DWSD operations by an independent, outside consultant and such evaluation should be conducted in a public forum to provide assurances that DWSD is operated efficiently and cost effectively; and

WHEREAS the DWSD has failed to take any positive action on the unanimous resolution of the Oakland County Board of Commissioners to provide for rate payer representation from each participating municipality on the regional water and sewerage system to review the rates, charges, procedures and overall efficiency of the water supply and sewerage services.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners requests that the Detroit City Council place a moratorium on Water and Sewer rate increases for Fiscal Year 2004-05.

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners requests that the City of Detroit appointee from Oakland County, Marilyn E. Gosling introduce a resolution at the next Detroit Water Board to place a moratorium on Water and Sewer rate increases for Fiscal Year 2004-05.

BE IT FURTHER RESOLVED that copies of this adopted resolution be forwarded to the Oakland County delegation to the state legislature, Oakland County cities, villages and townships, the Michigan Association of Counties, the Michigan Municipal League, Oakland County's legislative lobbyists, the City of Detroit, the Detroit Water Board and the Honorable John Feikens.

Chairperson, I move the adoption of the foregoing resolution.

PETER WEBSTER, ERIC COLEMAN

Commissioners Minutes Continued. January 22, 2004

The Chairperson referred the resolution to the General Government Committee and the Planning and Building Committee. There were no objections.

The Board adjourned at 10:35 a.m. to the call of the Chair on February 5, 2004, at 9:30 a.m.

G. WILLIAM CADDELL  
Clerk

THOMAS A. LAW  
Chairperson