

MICHIGAN COUNTIES

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MAC

MICHIGAN ASSOCIATION OF COUNTIES

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LETTER FROM THE EXECUTIVE DIRECTOR

As I make my visits to counties around Michigan each year, a typical question will center on the fees for service that MAC charges each county for membership. Now you may be wondering: "What are fees for service?"

This is what we used to call "dues." Why the name change? We believe we are providing top-quality services such as advocacy, education and communication support for our member counties.

It's my pleasure and privilege to detail for members the numerous benefits that MAC provides to Michigan counties. Call me biased, but I think MAC's fees for service have a great return on investment.

With that said, MAC remains highly aware of the fact that our members choose each year to spend precious public dollars on their membership. We appreciate the investment and trust placed in us at the MAC offices – and we understand that the fees for service can be a source of concern, especially in the last decade when budgets have been so tight.

That's why MAC continues to hold to a policy that froze members' fees for service at their 2008 levels. We know you must make every dollar count in your county budget, so we want our ask of you to be as small as is practical.

But we also know that MAC members want the best possible representation in Lansing and Washington, D.C.; the best possible digital and informational tools available; the best conferences and briefings Michigan can offer; and, of course, top-flight customer service from each of MAC's staffers.

For us to provide top quality services in an environment of tight budgets, MAC relies on the work of its Service Corporation.

MAC created the Service Corp. 30 years ago to provide services that either save member counties money or make county staffs' work more efficient. These are provided at little or no cost to our members. To that



end, we work with a wide variety of companies, big and small, that know your challenges, your goals. From my time as deputy director and now executive director, I've been working daily to improve and broaden the work of the Service Corp., most notably with our CoPro+ collaborative purchasing and procurement services initiative.

And because we have had success with CoPro+ and elsewhere, the Service Corp. is able to support some of MAC's work for you, from advocacy to conferences. This has allowed us to provide you, the member, with more services without increasing our fees for service.

It's a balancing act, to be sure. And members can be confident in the fact that your MAC Board directors review and ask questions about how MAC dollars are being spent.

As we prepare for a new year, I would encourage you **to review all that our Service Corp. has to offer.** Many of you make wide use of the services, from health insurance to telecom bill analysis, but there is room for growth. The more successful the Service Corp. is, the more successful MAC can be in representing you.

Stephan W. Currie
MAC Executive Director

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LETTER FROM THE PRESIDENT

We are about to finish our first full year of MAC's digital advocacy tool, provided by the firm Phone2Action.

As with any new device or activity, we fully expected that participation would develop slowly. That has certainly been the case – so much so that today I'm putting on my "lecturing mom" hat.

Fellow commissioners, if you don't use the tools to engage with your state lawmakers, MAC's job in ensuring fair treatment for county government, county issues, in Lansing becomes that much harder.



On Oct. 4, MAC sent out an advocacy alert on the FY20 budget vetoes, asking members to utilize the P2A system to send a pre-drafted message to legislators and the governor with just a few clicks of the keyboard. That message has been repeated in other advocacy alerts and in our weekly "Legislative Update" email report.

A month into that campaign, only 123 individuals have used the system.

The stats are even worse for another ongoing campaign, on behalf of legislation to move commissioner terms from two years to four. Since early September, only 57 individuals have used our system to voice support for four-year terms to their legislators.

No one on your MAC Board is forgetful of, or insensitive to, the numerous demands on your time. Michigan law presumes a county commissioner is a part-time position, and many of you have day jobs in order to provide for your families. Then, on top of all that, MAC asks you to read this or do that. We are asking a lot of you.

But, to quote Tom Cruise in "**Jerry Maguire**": "Help me help you!"

Yes, MAC staffers are working each day on your behalf to secure funding, to prevent state interference and to advance reforms that will make life better for your constituents. But staff work alone isn't enough. Legislators want to hear from us, the local elected officials in their communities, about what they should do – and should not do.

So, I'm asking each of you, going forward, to respond when you see that MAC Advocacy Alert. And if you think that email got lost, no problem. Every campaign we are running can be found 24/7 at the **Advocacy Center** on our website. In each case, all you have to do is make a few clicks and the message – our message – is sent.

I, too, am guilty of not utilizing this tool as often as I should. Let's make a commitment together to take advantage of all that MAC has to offer to help us achieve our goals.

Veronia Klinefelt
 President, MAC Board of Directors



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LEGISLATIVE UPDATE

ASSESSING THE BUDGET DEBACLE OF 2019

By MAC Governmental Affairs Staff

Counties across Michigan can't be blamed for feeling some whiplash after a 2019 budget season that raised expectations, threatened disaster and ultimately delivered solid results from contentious negotiations between the Republican-led Legislature and Democratic Gov. Gretchen Whitmer.



Certainly, a highlight of the year was the 2.3 percent increase in county revenue sharing that moved steadily through the budget process with little disagreement.

But weeks upon weeks with no compromises and little negotiation in Lansing culminated in a fiscal 2020 budget approved by the Legislature in the fall with no gubernatorial input and, in response, **a flurry of unprecedented line item vetoes and funding shifts from the State Administrative Board under Whitmer's guidance.**

In February, the new governor presented her budget to the Legislature, which was built on additional revenue to be derived from a 45-cent gas tax increase. The bulk of the gas tax increase was meant to "fix the damn roads," while a smaller but significant portion was to supplement General Fund dollars that could be reallocated to clean water efforts and an increase in funding for schools. The Legislature whole-heartedly rejected the gas tax proposal and quickly set out to build a budget without it.

During the ensuing months, talks of increased revenue for roads was acknowledged and many thought an alternative proposal to raise the \$2 billion needed for roads would accompany any budget the Legislature sent to the Governor. In the end, though, no proposals materialized. Behind the scenes, negotiations between the Legislature and the governor all but collapsed, with stalemate dominating the summer.

By late summer, Michigan once again was confronting the possibility of an Oct. 1 government shutdown due to partisan infighting. Without spending authority, only vital state services could remain operational when the FY20 budget year began on Oct. 1.

To avoid such a shutdown, the Legislature, at the last

hour, passed and presented to the governor their budget, which did not include an increase in roads revenue, though it did include an increase in General Fund dollars for roads.

In response, Whitmer issued a record 147 line-item vetoes totaling more than \$947 million and convened the little-known State

Administrative Board to move legislatively appropriate funds within state departments. Unfortunately for Michigan counties, her vetoes hit about \$60 million in county funding in such areas as PILT, Secondary Road Patrol, veterans grants, county jail reimbursement, foster care payments and community corrections.

The unprecedented move was seen by many as a bid by the governor to get the Legislature to negotiate. However, legislators defended the budget and worried that if they sent any revised budget bills to her, Whitmer would engage in more fund shifts. The vetoes remained in place as October and then November came and went.

Meanwhile, counties across the state began identifying cuts and layoffs to keep their FY 2020 budgets in balance. The impact these vetoes could have had on counties was, in some cases, crippling and dire.

Finally, in December, the two branches finally came to an agreement. In addition to restoring the vetoed county line items and another \$500 million in spending authorization for other priorities, the House, Senate and Governor agreed to some fundamental changes in the budgeting process.

Budgets will now have to be completed by July 1 each year, which will significantly help school districts and give local units of government adequate time and information to build their own budgets.

They also agreed that the Legislature will receive advance notice of Administrative Board transfer proposals and a 30-day window for the body to disapprove of such transfers.

So, as calendar 2019 ends, Michigan has its 2020 budget. Counties avoided some difficult decisions. But bad feelings remain in Lansing and the outlook for future budgets is as cloudy as ever.

BEST PRACTICES

BAY COUNTY CHANGES THE NARRATIVE AT ITS ANIMAL CENTER

Craig Goulet didn't start at Bay County with the idea of leading an animal shelter during a time of rapid transition. But a series of events, including a countywide election, led the county's director of administrative services into a role he describes as "extremely rewarding."



Goulet

And in less than a decade, Bay County has gone from an animal shelter that euthanized most of the animals that entered its doors to the brink of official status as a "no-kill" shelter where almost every animal is provided a second chance.

Jim Barcia, Goulet's boss and Bay County's executive, noted that in 2011 the shelter was euthanizing two-thirds of the animals in its control. When he was elected executive in 2016, Barcia, a former U.S. congressman, set out to change the story from one of death to one of life.



Barcia

With Goulet on the inside and Deb Schutt of the Pet Fund Alliance of Michigan advising from the outside, Barcia and his team set their sights on "no kill" status, which means at least 90 percent of the animals in a shelter are saved. Barely three years since Barcia's election, the shelter, now named Bay County Animal Services and Adoption Center, has its "kill rate" down to 3 percent — meaning just 35 animals this year, as of Dec. 5, have had to be euthanized.

"We are proud to be where we are ... in just three years," said Goulet, who noted that success has been the result of changes in policies and culture. "We looked at procedure, evaluations, training for staff, enrichment for dogs and cats that are here. Nothing was off the table.

"We shut down shelter for two days of animal handling training," he added. "They touched on enrichment for animals. Many times, with the old school mentality, when dogs are here,

they may have a bed, they may not. And with toys, you have to be careful since they can shred stuffed animals and clog drains. But there are lots of options out there that engage their minds and reduce stress. Our whole focus is to reduce their stress."

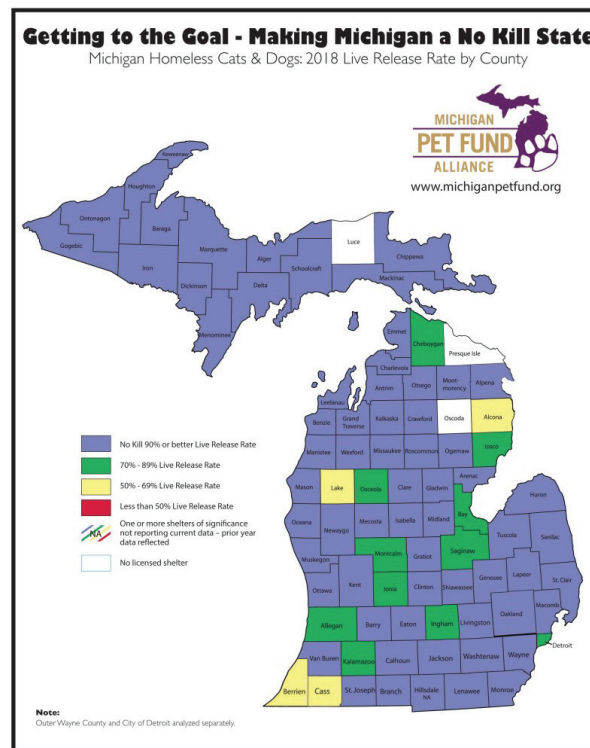
Internal improvements have been only half of the story, though.

"We worked," Goulet said, "on reducing flow of cats from members of the public who were trapping cats that were potentially someone's pets.

"We worked with people who were surrendering pets and really pushed our adoptions.

"This year, we got active on social media and started appearing on news outlets such as ABC12 and WNEM. In addition, we set more adoption events and volunteer outreach. Our goal is to move that animal to a home as fast as possible," he explained.

With a staff of eight and a budget of \$500,000 — out of the county's General Fund — Bay's animal center relies on volunteers for many benefits.



"A secondary effect (of increased volunteerism) is people seeing directly what we are doing on adoption, because culture change can take a long time.

"With more volunteers, we can get animals outside the kennel more to see that real behavior; see whether a dog pulls, chases or jumps at the sound of car door. The more notes we have on each animal, the better we can do in matching it with a human."

Even with all the progress, Goulet noted that "no kill" status doesn't mean all animals survive.

"It's really difficult to go to zero, because you have health or aggression issues," he explained. "There's always a possibility that there was an issue with an animal before it arrived (at the center)."

Goulet and his team continue to look for methods to improve their shelter and the chances of adoption for their animals.

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A new initiative will take six dogs from Bay to the Saginaw Correctional Facility to participate in the “Iron Paws” program. The dogs will get five to six weeks of intensive training with prisoners, including testing. The **program has already helped** dozens of dogs find new forever homes.

Asked what advice he would give others looking to change the narrative about their shelters, Goulet responded:

“First, be transparent, so everyone can see what you are doing.

“Second, once you make up your mind to go down this road, communicate what that means. Be active on social media. Promote dogs and cats. Look for non-traditional ways to engage. Weekend events, social media, networking, tours, assistance in transferring or policies/procedures.”

“The benefits (of this work) are so rewarding — when you get to see the difference in an animal’s eyes and how excited they are.”

SHARE YOUR ‘BEST PRACTICES’ WITH MAC

From challenges come creativity, and boy have Michigan’s counties been challenged in the 21st century.

MAC continues to highlight how counties have found ways to continue or expand services in the most hostile of fiscal environments. Our “Best Practices” initiative isn’t a competition, but a celebration — of Great Lakes ingenuity, passion and plain ol’ grit.

Big or small, technical or simple, we want to hear how you have found a new way to serve your constituents.

Please send a brief description and contact information for the point person of your “Best Practice” to Derek Melot, melot@micounties.org.

For questions, call Melot at 517-372-5374.



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NRM-12870M5 (01/15)

MACNEWS

WOMEN'S RANKS GROWING ON COUNTY BOARDS, BUT THEY'RE FAR FROM PARITY

By Derek Melot/MAC Communications Director

Service on county boards has long been a male-dominated field, but Alisha Bell sees that changing.

The Wayne County chair, first elected to her board in 2002, is one of 10 women serving as board chairs in Michigan's 83 counties this year, with another 19 women serving in the vice chair role.

Certainly not parity, nor close to the 51 percent of Michigan's population that is female. Still, Bell and others see change.

"Nine of the 15 Wayne County commissioners are female, including our vice chair pro tempore. Female commissioners also chair the majority of the commission's standing committees. In addition, our county's esteemed prosecutor is also female," Bell noted. "I must also point out that Wayne County's delegation to the U.S. Congress is also entirely female.

"We might still have a way to go overall, but in Wayne County, female leadership is growing," she added.

Fellow board Chair Julie Rogers of Kalamazoo County agrees.

"Yes, we are on an upward trend ... however, it is not enough. In our Legislature, 36 percent serving are women. And according to MAC, only 10 out of 83 counties have women leading as board chair. We have more work to do to achieve a balanced representation," she said.

The 29 women in the 166 chair/vice chair slots this year represent 17.5 percent of all senior leadership slots. That's less than the overall rate for county commissioners (147 of 622 — or 23.6%), but "nowhere near parity," said Matt Grossman, director of the Institute for Public Policy and Social Research (IPPSR) at Michigan State University.

"Overall, even in a year of increasing women representation, we are nowhere near parity in gender on elected officials," he elaborated. "That's true across the board, national to local. And it reflects a global pattern. Those closer to parity are nations where gender parity is required (among candidates) in party lists."



Rogers



Bell



County figures also trail the rates found among Michigan's cities and villages, where 37 percent of elected leaders are women, according to data from the Michigan Municipal League (MML).

"Our data (also) revealed women face significant hurdles when attempting to enter the local government management profession — just 16 percent of Michigan's local government managers/chief administrators are women," said Emily Kieliszewski of MML, which has launched a campaign, the 16/50 Project, to tackle some of the barriers women face when seeking these jobs by providing **education, mentorship, and vocational preparation.**

Depending on which door you open at the courthouse, though, finding a woman in leadership can range from typical to almost impossible.

A MAC review of 2019 data, for example, about two-thirds of Michigan's county clerks are women. Similar gender ratios are found in the offices of register of deeds and treasurer.

At the other end, MAC could identify only 20 women in county prosecutor slots and just a single female sheriff.

"(The figures) don't surprise me," MSU's Grossman said. "They are consistent with other kinds of offices as well. Women's representation tends to be specialized to sort of fit traditional gender norms. We don't know how much of that is due to relative interest vs. political considerations, however.

"National sheriff results are consistent with those in Michigan. Some of that would be women being less

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WOMEN'S RANKS GROWING ON COUNTY BOARDS, BUT THEY'RE FAR FROM PARITY from page 8

interested, he added.

"But another part of it is perceived electoral results. Often, you see what seems like a stereotype that we could overcome. Candidates, though, are hesitant to jump in when they perceive that chances are not as good," Grossman explained. "This is not exclusive to politics; it applies to other professions. When a position is 'gendered,' then it tends to be hard to break out of that dynamic without explicit efforts to do so."

Both Bell and Rogers noted that they had served in a large variety of leadership roles in external or county-related organizations prior to becoming chair of their respective boards.

"Before becoming chair of the Wayne County Commission, I also served as chair of the National Council on Alcohol and Drug Dependence and have served on the Wayne County Zoological Authority, Wayne County HealthChoice — a county-run health program — and the Detroit/Wayne County Port Authority," Bell said. "In 2016, I was elected president of the National Association of Black County Officials and am currently its immediate past president. In addition, I am also active with the National Association of Counties (NACo) and served as chair of its Justice and Public Safety Committee for the 2018-19 session."

Though chair this year, Bell's service on the Wayne board extends back to the start of the 21st century.

"I served three terms as a Kalamazoo County Commissioner before being elected almost unanimously with bipartisan support for county board chair," Rogers explained. "Prior to this year, I served on many advisory boards and committees, including NACo's Health Steering Committee (currently in my sixth term), and am a MAC Board member (elected in 2018)." In 2019, Rogers was named as one of 25 members of Governing Magazine's Women in Government cohort.

A MAC review found 10 women leading county boards in 2019, with another 19 women serving in the vice chair position

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 Kent - Mandy Bolter
 Luce - Michelle Clark
 Mason - Janet S. Andersen
 Mecosta - Jerrilynn Strong
 Muskegon - Susie Hughes
 Wayne - Alisha Bell

Branch - Terri Norris
 Calhoun - Kathy-Sue Vette
 Cass - Roseann Marchetti
 Clare - Samantha Pitchford
 Emmet - Toni Drier
 Genesee - Ellen Ellenburg
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 Keweenaw - Sandra Gayk
 Lake - Betty Dermeyer
 Leelanau - Melinda Lautner
 Luce - Phyllis M. French
 Manistee - Karen Goodman
 Oakland - Marcia Gershenson

BOARD VICE CHAIRS

Antrim - Karen Bargy
 Arenac - Bobbe Burke
 Barry - Vivian Connor
 Berrien - Teri Sue Freehling

"Any woman who has run for any office knows all about the little extra hurdles or resistance you too often encounter," said Veronica Klinefelt of Macomb County and MAC's Board president. "The best response is to keep working and encouraging friends and colleagues to do the same. The more women in public roles today will mean even more tomorrow."

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MACNEWS

SECRETARY BENSON, NONPARTISAN STATEWIDE ALLIANCE OPEN APPLICATION PROCESS FOR NEW MICHIGAN INDEPENDENT CITIZENS REDISTRICTING COMMISSION

By Mike Doyle/Communications Manager, Department of State

Leaders of a nonpartisan statewide alliance have joined with Michigan Secretary of State Jocelyn Benson in an education campaign that encourages people to serve on the new Michigan Independent Citizens Redistricting Commission, kicking off Michigan's effort as one of the first states in the nation to initiate a citizen-led redistricting process.

Secretary Benson held news conferences in Detroit, Lansing, Grand Rapids and Traverse City in October to encourage applications to the commission, saying, "Last fall, millions of Michiganders voted to give citizens the power to draw our legislative districts, and now it is time to apply to be one of those citizens. This is a first-of-its-kind opportunity for Michigan voters to draw fair and impartial electoral maps for our state. I hope every Michigander considers applying to participate."

Voters amended the Michigan Constitution in the November 2018 general election to make citizens — not legislators or special interests — responsible for drawing new district lines for the Michigan Senate, Michigan House of Representatives and U.S. Congress. Every 10 years following the U.S. census, district lines for political offices must be redrawn in states across the country to accurately reflect their population. In Michigan, randomly selected citizens will now draw the lines.

From now through June 1, 2020, Michiganders can go to RedistrictingMichigan.org to apply to serve on the commission. All applications must be printed and signed in the presence of a notary before they are returned to the Michigan Department of State (MDOS) via drop boxes in branch offices or postal mail. Voters can go to Michigan.gov/FreeNotary to find a notary offering this service for free near them.



County clerks across Michigan are teaming with Secretary of State Jocelyn Benson to promote awareness of the opportunity to serve on the nonpartisan Michigan Independent Citizens Redistricting Commission, including (l-r) Washtenaw County Clerk Larry Kestenbaum, Oakland County Clerk Lisa Brown, Macomb County Clerk Fred Miller and Michigan Association of Municipal Clerks 2019 City Clerk of the Year Jacqueline Beaudry of Ann Arbor. They joined with Secretary Benson and Assistant Secretary of State Heaster Wheeler (far right) to announce the start of online applications during an Oct. 24 press conference in Detroit.

Department of State staffers and leaders of the nonpartisan alliance are also hosting a statewide series of workshops during 2019 and 2020 designed to promote awareness about the opportunity to serve on the commission and provide step-by-step instructions about the application process.

The dates and locations of the 2020 workshops are pending. The sessions include an overview of the new redistricting process and allow time for participants to fill out an application, which takes about 15 minutes to complete. Notaries will be available to complete the

Continued on page 11

SECRETARY BENSON, NONPARTISAN STATEWIDE ALLIANCE OPEN APPLICATION PROCESS FOR NEW MICHIGAN INDEPENDENT CITIZENS REDISTRICTING COMMISSION

from page 10

notarized signature requirement for each application at no cost. Participants should bring a photo ID to the workshops so notaries can verify their identity.

Commission service does not require any special skills or expertise. The 13-member commission will consist of four members who affiliate with the Republican Party, four members who affiliate with the Democratic Party and five members who are not affiliated with either major party.

In addition to offering the applications online, MDOS is constitutionally required to mail applications for the commission by Jan. 1, 2020, to thousands of randomly selected registered voters. To ensure transparency, MDOS, through a standard public bidding process, hired Rehmann LLC, a third-party, independent accounting

firm, to administer the random selection using statewide data from the American Community Survey of the U.S. Census Bureau. The new constitutional amendment requires that at least 100 of the 200 semifinalists under consideration for possible random selection to the commission come from the group of randomly selected mailed applications.

The commission of citizens will each earn approximately \$40,000 as compensation for their service. Commission members will also have the authority to choose whether to reimburse their travel and other related expenses as part of their duties. The commission will convene in fall 2020 and will be required to enact district maps no later than Nov. 1, 2021. The commission maps will become law by Dec. 31, 2021, for use in the 2022 election cycle.

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MACNEWS

IN STRONG ECONOMY, SOME COUNTIES STILL STRUGGLING ON FINANCES, SURVEY FINDS

By Debra Horner/Center for Local, State and Urban Policy

In a 2019 survey of Michigan local government leaders on local jurisdictions' fiscal and budgetary conditions, many county leaders say they are making fiscal progress, while others indicate that their counties are struggling, even in the current, relatively strong state economy.

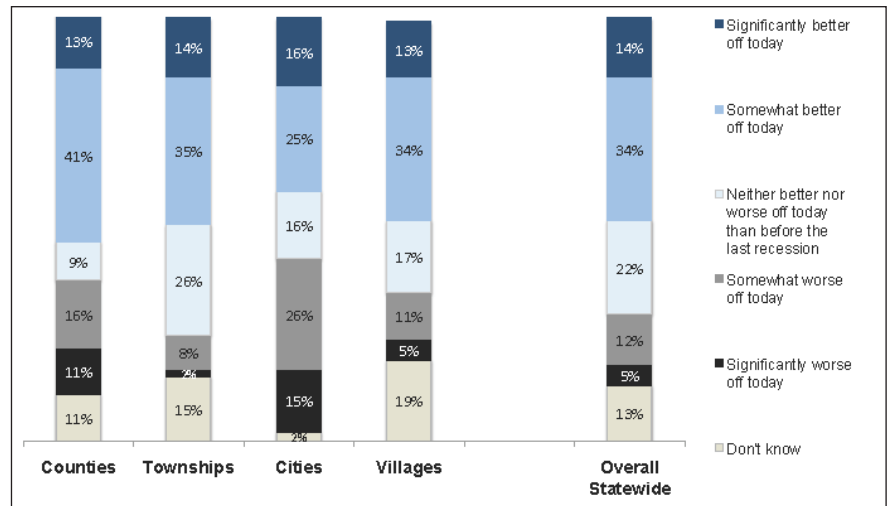
Looking back over the past decade and comparing their counties' current fiscal health with where it was before the last economic downturn, over half of county officials (54%) report their governments are either significantly (13%) or somewhat (41%) better off in 2019 than they were before the Great Recession of 2008-09. However, despite the recent 10-year run of economic growth across the state, more than a quarter (27%) of Michigan counties say they are worse off fiscally today than they were a decade ago.

And looking at shorter-term year-over-year change, although 39 percent of county officials say their governments are better able to meet their fiscal needs this year compared with last year, again 27 percent say they are less able to meet their needs compared to last year. Another third (34%) are merely holding steady with no reported change, for better or worse.

When it comes to a snapshot assessment of fiscal health today, the survey asked officials to rate their current county fiscal stress on a 1-10 scale. Although no counties rated themselves as a 9 or 10 (fiscal crisis), 12 percent did rate themselves as a 7 or 8, which is considered "high" fiscal stress. Another 26 percent report medium levels of stress (4-5), while 59% say they currently have low stress (1-4).

The Michigan Public Policy Survey (MPPS) also asks about a range of other detailed indicators. For example, county officials report continued marginal gains in property tax revenues compared with last year (72% say these revenues have "somewhat" increased, but none say they have "significantly" increased; meanwhile, 12% of counties say property tax revenues have somewhat or significantly decreased). At the same time, approximately a third of county officials (32%) say their general fund balances are too low today.

Counties also report increased service demands compared with last year, including increased infrastructure needs (76%), human service needs (72%) and public safety needs (61%). However, although 61 percent of county officials say their governments plan to increase public safety spending in the next fiscal year, significantly fewer are planning



corresponding increases for infrastructure (42%) or human services (44%).

Looking ahead, county leaders are among the most optimistic local officials in the state, with 60 percent predicting "good times" generally in their local economies next year, the same as in 2018. On the other hand, fewer county officials predict their counties will be better able to meet their fiscal needs next year (33%) and many predict their county's levels of fiscal stress will worsen over the next five years.

Each year, the University of Michigan's Center for Local, State and Urban Policy (CLOSUP) surveys the opinions of the leaders of all of Michigan's 1,856 units of general purpose local government. This past spring, 68 counties (82% of the state's counties) had county administrators and/or board chairs respond to the survey.

The statewide report on these findings was recently released on the CLOSUP website: <http://closup.umich.edu>. CLOSUP will also publish and distribute individual county-wide fact sheets on these fiscal health data in early 2020.

In addition, detailed tables of the data collected in all ten years of the MPPS surveys — including breakouts specifically of responses from county officials—can be found at: <http://closup.umich.edu/michigan-public-policy-survey/mpps-data-tables.php>

Finally, the MPPS team is also happy to answer any questions you may have and to help you interpret the data or to provide customized reports. For more information, contact MPPS staff by email at closup-mpps@umich.edu or by phone at 734-647-4091.

CRC ANALYSIS

NEXT RECESSION POSES SIGNIFICANT THREAT TO COUNTY RESOURCES

By Eric Lupher, President, Citizens Research Council

Despite being in the longest period of economic growth in U.S. history, a recession is inevitable. And we know that Michigan usually feels the effects of a recession more than other states; our single-state recession in the early 2000s resulted in cuts to revenue sharing payments, and the 2008 recession reduced General Fund revenues by a quarter. So how might expected changes to state finances affect your county budgets when the inevitable happens?



Lupher

State budget

First, the basics: The Legislature had limited room to work with the \$57.9 billion appropriated in the FY2020 budget. More than \$23 billion is directed by the feds, and a large portion of the remaining funds are spent before the money is counted because of constitutional or statutory restrictions. For example, the School Aid Fund receives \$13.3 billion of the \$34 billion own-source dollars. Only the \$10.15 billion General Fund is subject to budget negotiations. Of that, a significant portion goes to keep the lights on for state government, operate state police and prisons and pay for the Medicaid match. The Senate Fiscal Agency estimated that the discretionary portion of the General Fund was only \$5.25 million in FY2018.

While it is impossible to know the severity of the next recession before it happens, we gained some insight on potential scenarios by looking at the effects of those in the past. The two in the early 2000s were severe compared to earlier downturns; there was the aforementioned 25 percent drop in General Fund revenues in 2008, while the early 2000s recession caused a 19 percent decline, each representing a decline of more than \$1 billion in revenues. A more modest recession could still have a noticeable effect; in 1991, General Fund revenues slid 7 percent.

The state does have some money saved up to weather a recession. The Budget Stabilization Fund (“Rainy Day Fund”), is projected to reach \$960 million by the end of FY2020. This would, however, only provide small relief because the effects of a recession are typically spread over multiple fiscal years. Given that even more moderate recessions have had a near \$500 million effect on the General Fund, the current Rainy Day Fund balance is not sufficient to truly soften the blow.

This leaves a question: What can be cut from current discretionary spending? Many programs that affect General Fund revenues, like the MEGA tax credits, are likely on the books until they expire, as they represent an agreement with the businesses that hold them. Other spending brings in federal money; for example, \$2.4 billion in General Fund spending brings us federal Medicaid dollars, in which the state gains more than one dollar for every dollar spent. Cutting Medicaid would run counter to the intent of the program. Other large General Fund spending, like corrections and state police,

could potentially be reduced, but there is a level of funding necessary to keep those departments operational.

Revenue sharing and other county concerns

Of direct concern to Michigan counties is that statutory revenue sharing could be tapped. Based on past actions, they likely would be.

For FY2020, the Legislature appropriated \$1.36 billion in constitutional (\$865 million) and statutory (\$590) payments to local governments. Only \$226.5 million in statutory payments are provided to counties, and those payments are not constitutionally protected.

Other state-provided county revenue sources could be cut. The ongoing road funding debate has left the 2015 General Fund transportation allocation in place for now. Fuel tax and registration fee revenues are constitutionally protected, but the \$600 million per year allocation from the General Fund are not protected. Counties are scheduled to receive \$230 million for roads each year from that \$600 million scheduled allocation.



NEXT RECESSION POSES SIGNIFICANT THREAT TO COUNTY RESOURCES

from page 13

An additional loss could theoretically come from the share of the use tax sent to local governments. The state's 2014 personal property tax reform resulted in local governments losing a chunk of their property tax base. To make up for that, the state provided local governments an equivalent portion of use-tax revenue. While the statewide referendum approved creation of a "statewide" local tax, the Legislature is still in control over the proportion of revenue local governments receive. As a result, the \$485 million local governments are scheduled to receive in FY2020 could find its way into budgetary discussions if a recession forced difficult choices.

If the coming storm is severe enough, there is even the possibility of a decline in local governments' major own-source revenue tool: the property tax. Typically, property tax revenue increases annually, even during a recession. However, the 2008 recession and accompanying collapse in the housing market caused a 10 percent decline in county property tax revenue. This has been compounded



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by Headlee Amendment restrictions limiting the rebound growth of taxable value. As a result, cumulative FY2018 county property tax revenue was below the FY2008 peak. If the next recession is accompanied by a decline in the housing markets, it could have long-term ramifications for county revenues.



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MACAO ARTICLE

PLANNING FOR EXPECTED AND UNEXPECTED EVENTS

By John Fuentes/Eaton County Controller-Administrator

It's been more than 20 years since local government officials and administrators first began hearing about the importance of succession planning in government resulting due to expected baby boomer retirements. The event could prove to be a challenging proposition because administrators and human resource professionals alike tend to focus their current day-to-day activities on managing public resources in constrained operating environments.



Hinton

Although the data is a decade old, in 2009, the International Public Management Association for Human Resources survey on workforce and succession planning found that only 25 percent of respondents have a plan in place to deal with this eventual, and actual, event. In our respective counties, I would argue that there is a higher probability that our respective county technologists have business continuity plans in place and less so when planning for the transition of key people in/out of our county organization.

When we think about succession planning in unexpected natural or human-made emergencies, we can turn to one or more statutory requirements that offer guidance for development and implementation of well thought out plans. As you know, in many cases federal and state grant funds are linked to the presence of a plan which is a pretty strong incentive to get it done. Of course, one such statute is Michigan's Emergency Management Act (**Public Act 390 of 1976**), an "ACT to provide for planning, mitigation, response, and recovery from natural and human-made disaster..."

On Oct. 18, 2019, I received word that one of our colleagues, Ken Hinton, Livingston County administrator, had passed away unexpectedly. First, of course, was shock. Then I not only thought about Ken's family and friends during this period of grief, but also about how well or poorly any of us in MACAO are truly prepared to continue administering county government when suddenly faced with such unexpected news. I think I speak for all of us in saying that Ken's passing causes us to reflect personally and professionally on our own mortality and the stark reality that our respective county government business operations must carry on, and will carry on, without us.

I had the opportunity to work with Ken when we were both appointed members of the Michigan Municipal Risk Management Authority Investment Committee.

MACAO, MAC and MERS conferences continually afforded me the opportunity to talk with Ken about many of the important topics facing our counties today.

As with most leaders, I'm certain that Ken rests peacefully knowing that he had surrounded himself with staff capable of carrying on the business of Livingston County without him, while never truly acknowledging or recognizing the possibility that the county would be facing precisely that.

County leaders recognize that no employee, including him/herself, is irreplaceable. However, few expect that such a sudden loss could occur. Staff must simultaneously mourn the loss of their leader and co-worker while continuing to ensure the operations of the county are completed. Boards of commissioners rely on these committed public employees to carry out the business of the county and consider how to fill such an unexpected void in the organization. These are difficult times for the organization AND the people within it, as everyone grieves and processes loss in their individual personal way.

This brief article is not written solely to emphasize the need for succession or transition planning from an organizational perspective. No amount of planning can prepare a board of commissioners for the sudden loss of its administrative and financial leader. Rather, the article is equally written to emphasize the importance of family and friends in our lives and the human aspects of grieving for those in an organization that occur when we lose someone without the opportunity to thank them for their mentorship and deep-rooted commitment to public service.

To Ken and everyone else in MAC and MACAO, thank you for what you have done, and continue to do, for the people of each of our great counties.

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www.micounties.org

AFFILIATE CORNER

DRAIN WORK WILL BE VITAL THIS SPRING

By Joe Bush

Michigan drain commissioners serve a vital role in the health and safety of our residents and communities by regularly working on preventing flooding to homes, businesses, farms and roadways. Maintaining the tens of thousands of miles of drainage infrastructure throughout the state established as county drains does not come without obstacles, criticisms and natural challenges. The most economical way of preventing road washouts, flooded fields and cleaner water in many cases is to regularly maintain the flow of the drainage systems in place.

Not all surface water challenges can be handled through maintenance, and therefore require extensive projects to establish new drains or significantly improve the operation of an existing drain. These projects, known as petition projects, require a petition be filed, a board to determine the necessity of the improvement or new drain, and hearings for the public review and comment. These projects typically cost more and can be assessed to the property owners in a drainage district over an extended period of time.

Much of the drain work across the State falls under the category of maintenance. Maintenance of a drain includes obvious activities like tree and brush removal, but also several other items that may be needed to continue a normal flow of water. Often, drain commissioners are called upon to remove obstructions such as fallen trees that are plugging culvert entrances, to repair broken clay tile drains that traverse across farm fields, to repair or replace culverts located under local roads and highways. Many drain commissioners also spend time cleaning the pipes and catch basins in storm sewers in our more developed areas of the state. Catch basins collect the sediments, metals, and other contaminants that come from road runoff. Cleaning catch basins is not only functional for the maintenance of the systems, but environmentally vital for our rivers, lakes and streams.

Probably the most common form of maintenance performed by drain commissioners is the clean out and removal of sediment built up within open ditches. Most county drains are not natural streams, but man-made channels that typically do not convey sediment as well as streams. As sediment accumulates within the drain, capacity is restricted. If the flow of the water is not properly maintained, flooding and road washouts occur. As part of this type of maintenance, drain commissioners also repair eroded banks along drains and install riprap,



These before and after shots reflect the type of improvements that are made by Michigan's drain commissioners. (photos courtesy of MACDC)

cross-vanes, and/or j-hooks to prevent future erosion and sediment build up.

One of the obstacles to proper maintenance of drains is the statutory limitation on the amount a drain commissioner may spend on a drain in any given year regardless of the extent of the problems. Section 196 of the Drain Code limits the expenditure for maintenance and repair of drains to a maximum of \$5,000/mile annually. Even though equipment, material, and labor costs continue to increase every year, the \$5,000/mile limit has not changed in more than a decade. This expenditure limit applies to ALL drains, regardless of the size, type, or complexity of drain, e.g. open ditch vs. enclosed systems. A small and shallow tile drain located in a farm field has a drastically different cost to maintain or repair when compared to a large and deep storm sewer located below a crowded urban street. Exceptions to this limit include retention facilities and pump stations. A township may also provide an exception to the expenditure limit on a case by case basis by passing a resolution authorizing the additional expenditures.

Maintenance this spring will not come without significant challenges. The Army Corps of Engineers estimates the lake level for Lake Michigan will be 12 inches higher than it was last spring and will be the highest spring water level ever recorded on the lake. Higher lake levels are correlated with higher water tables and higher inland lake levels. Record water levels, already saturated soil from this year that will freeze over the winter, and the inevitable snow melt and rainfall in the spring will create the potential for

Continued on page 18

EXPERT CORNER

COMMON ISSUES THAT ARISE UNDER THE OPEN MEETINGS ACT

By Matt Nordfjord/Firm of Cohl, Stoker & Toskey, P.C.

The Open Meetings Act (OMA) took effect in 1977 and created a structure for transparency and accountability for governmental decision-making (1976 Public Act 267, MCL 15.261 et seq). This article will address common issues presented under it.

1. Motion or resolution passed that was not on the agenda:

The OMA requires a public body to give notice when it meets but there is no requirement that the public notice include an agenda or a specific statement as to the purpose of a meeting (OAG, 1993-1994, No. 6821, p 199 (October 18, 1994)). No agenda format is required by the OMA (*Lysogorski v Bridgeport Charter Twp*, 256 Mich App 297, 299 (2003)). Therefore, in the event a valid motion is made, seconded and approved by a majority of the board at an open meeting it would not constitute a violation of the OMA if the topic is not on the agenda. Notably, this process could contradict a County's board rules, which should be followed unless waived by the Board of Commissioners (BOC), but this action would not violate the OMA.

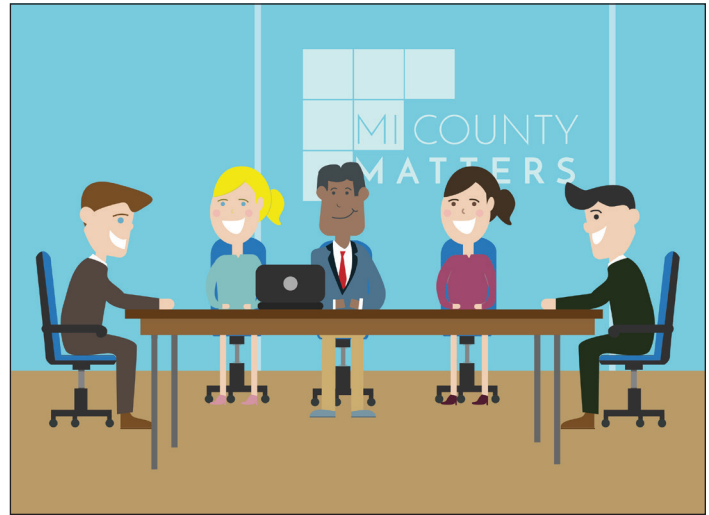
2. Meeting informally:

A public body may not meet informally prior to a public meeting to determine what will be decided formally at the public meeting. 1977 OAG 5183. "Meeting" is defined as "the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy." MCL 15.262(b). However, the OMA does not apply to a meeting which is a social or chance gathering, conference, training or seminar that is not intended to circumvent the Act (MCL 15.263(10)).

3. Standing and subcommittees:

Courts and the Michigan attorney general opinions are clear that, under most circumstances, strictly advisory committees composed of less than a quorum are not required to comply with the Open Meetings Act (OAG, 1977-1978, No. 5183, p. 21, 40 (March 8, 1977)).

However, Michigan courts and the attorney general identify exceptions to this general rule when a committee is made up of less than a quorum but does more than act in an advisory capacity (OAG, 2009 No. 7235). Therefore, it is critical to determine the actions of the committee to answer whether its meetings are subject to the requirements of the OMA. In practice, erring on the side of following the OMA is prudent if the committee is filtering or eliminating options presented to the BOC for consideration.



4. Remote participation:

A recent amendment to the OMA, effective March 29, 2019, requires public bodies to establish specific procedures to accommodate the absence of any member due to military duty (MCL 15.263(2)). Counties should adopt this mandatory requirement as soon as possible. A county board may also permit telephone or video conferencing for any member who is not physically present (e.g., due to illness or injury), although it is not mandated by the OMA.

5. Rights of the public:

All meetings of a public body are required to be open to the public unless a closed meeting is held in accordance with the specific reasons permitted by the OMA. Meetings are required to be held in a place available to the general public. All persons shall be permitted to attend any meeting (except closed sessions; see MCL 15.268 for permissible purposes for closed session which must be strictly followed).

The right of a person to attend a meeting of a public body includes the right to tape-record, videotape, broadcast live on radio and telecast live on television the proceedings of a public body at a public meeting.

A person must be permitted to address a meeting of a public body. However, the public body may establish and record rules which regulate the conditions under which the public may address the meeting. These rules may include the length of time any one person may be permitted to speak, the place on the agenda set aside for public comment and a requirement that persons desiring to address the public body identify themselves (1977 OAG 5183).

Continued on page 18

EXPERT CORNER**COMMON ISSUES THAT ARISE UNDER THE OPEN MEETINGS ACT** from page 17

A person may be excluded from a public meeting only for a breach of peace actually committed at the meeting (MCL 15.263(6)). The OMA is not violated by removing unruly and disruptive audience members (*Youkhanna v City of Sterling Heights*, 332 F Supp 3d 1058 (ED Mich, 2018)).

6. Electronic communications:

The use of email, texting or other electronic communications during a meeting among members of

a public body may constitute deliberations or decisions in violation of the OMA. Similarly, the use of electronic communications among the members of a public body outside of a meeting that constitute deliberations or an actual decision among a quorum of the body would also violate the OMA.

DRAIN WORK WILL BE VITAL THIS SPRING from page 16

a higher than usual chance of spring flooding, excess runoff and damage to our infrastructure. The statutory limit on how much can be spent on a drain comes out to approximately \$1 per foot. Mobilizing heavy equipment, hiring contractors and removing trees, sediment and blockages can easily exceed this limit.

Drain commissioners routinely work on drains to avoid flooding, runoff of contaminants and road damage, but are limited in the amount of work they can do on an

annual basis unless they receive a petition for larger projects.

Maintenance of drains is critical to minimizing the damage that water can have on our homes, crops and roadways, but it's not without cost.

Joe Bush is Ottawa County's drain commissioner and president of the Michigan Association of County Drain Commissioners.

MAC EVENTS CALENDAR

Friday, Jan. 17
General Government Committee
10 a.m. to 12 p.m.
MAC Offices, Lansing

Friday, Jan. 24
Transportation and Infrastructure Committee
10 a.m. to 12 p.m.
MAC Offices, Lansing

Monday, Jan. 27
Health and Human Services Committee
10 a.m. to 12 p.m.
MAC Offices, Lansing

Monday, Jan. 27
Judiciary and Public Safety Committee
2 p.m. to 4 p.m.
MAC Offices, Lansing

Friday, Feb. 7
Finance Committee
10 a.m. to 12 p.m.
MAC Offices, Lansing

Friday, Feb. 14
Environmental, Natural Resources and Regulatory Affairs Committee
10 a.m. to 12 p.m.
MAC Offices, Lansing

Friday, Feb. 21
General Government Committee
10 a.m. to 12 p.m.
MAC Offices, Lansing

Monday, Feb. 24
Health and Human Services Committee
10 a.m. to 12 p.m.
MAC Offices, Lansing

Monday, Feb. 24
Judiciary and Public Safety Committee
2 p.m. to 4 p.m.
MAC Offices, Lansing

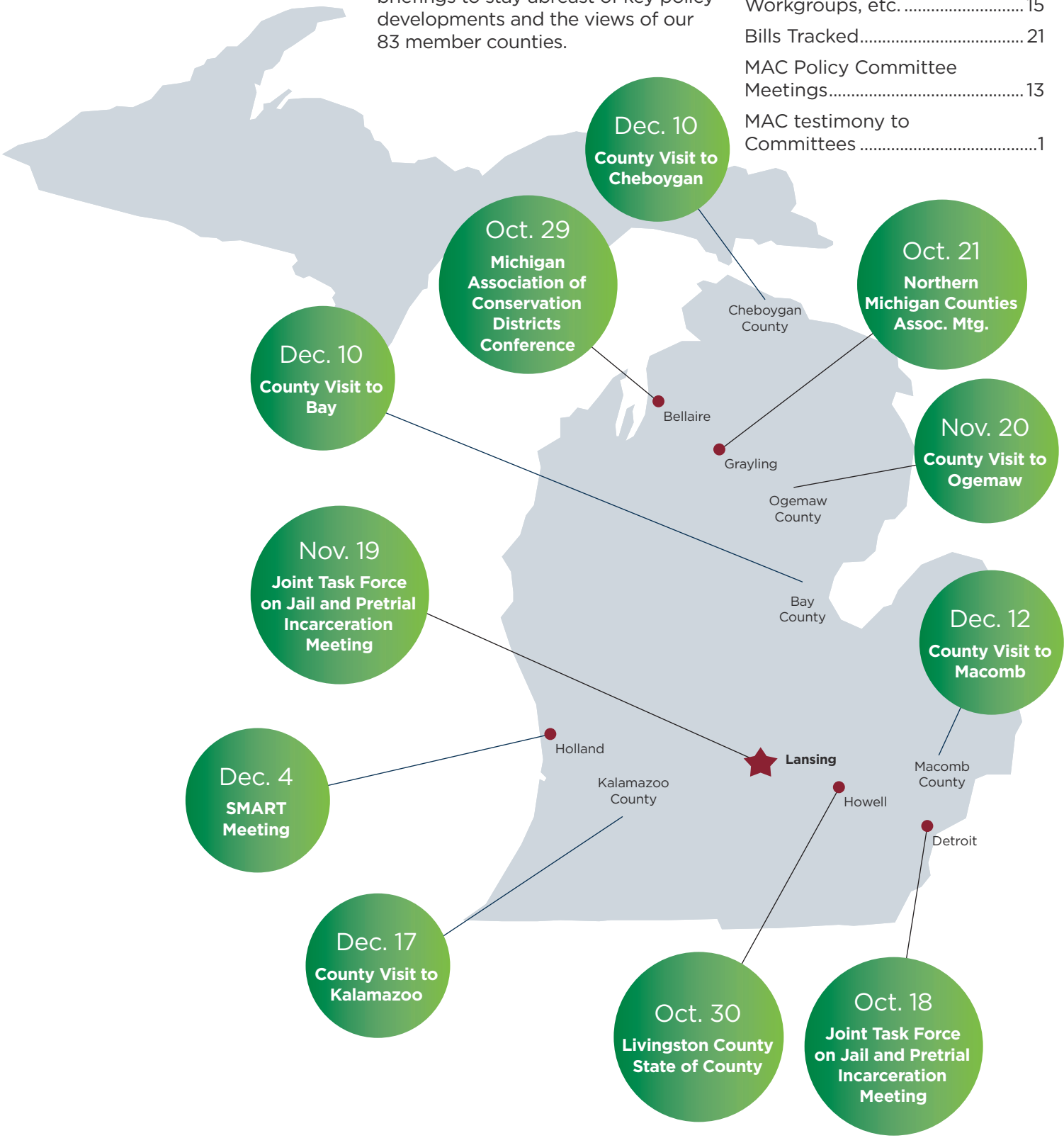
Friday, Feb. 28
Transportation and Infrastructure Committee
10 a.m. to 12 p.m.
MAC Offices, Lansing

For latest event listings, click here.

MAC IN ACTION

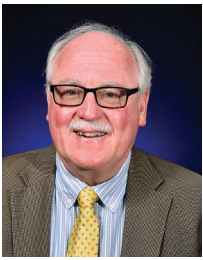
MAC staffers regularly attend state and local meetings, events and briefings to stay abreast of key policy developments and the views of our 83 member counties.

- Legislative Meetings..... 39
- Executive Meetings, Workgroups, etc. 15
- Bills Tracked..... 21
- MAC Policy Committee Meetings..... 13
- MAC testimony to Committees 1



MEET YOUR MAC BOARD

JIM STOREY AND CHRISTIAN MARCUS



Name: Jim Storey
County/MAC Region: Allegan/Region III
Position: Director
County Service: Allegan County Board of Commissioners, 2012-present
Profession: Community relations consultant/liquor licensing consultant

Previous Public Service: Liquor Control Commissioner, 1999-2007; Member and Founding Chair, West Michigan Airport Authority (Holland-Zeeland); Member and former Chair, Tulip City Airport Advisory Board, 1999-2008

What do you have as your main goals for MAC in 2020?
 Using the increased presence of MAC near the Capitol, I want to expand the influence of our organization in developing sound public policy. Specifically, my goals are:

- ensure enactment of four-year terms for county commissioners to give county general government the same leverage other local units have;
- improve the equity of local funding for county roads, giving counties whose voters support roads with local millage rewards for local effort;
- continue to insist that when Michigan state government assigns new duties to counties, the means to accomplish the tasks so assigned;
- expand the educational offerings to MAC members; and
- foster collegiality among commissioners as a necessary function of civility in public life.



Name: Christian Marcus
County/MAC Region: Antrim/Region II
Position: Director
Profession: Small business owner
County Service: Antrim County Board of Commissioners, 2012-present

Previous Public Service: N/A

What do you have as your main goals for MAC in 2020?
 MAC is a member-driven association that remains the best representation at the state level for county issues. I find that if this association can remain focused on the fiscal responsibility of counties to operate within their means and avoid the temptation and the distraction of certain social issues that divide rather than unite counties, then the diverse membership can remain focused on the constitutional responsibilities and outside interests can be kept at bay.



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LEGISLATOR Q&A

SENATOR CURTIS HERTEL, JR.



Name: Sen. Curtis Hertel, Jr.

District/counties: 23rd/Ingham County

Committees: Appropriations (minority vice chair); Appropriations Capital Outlay Subcommittee; Appropriations Health and Human Services Subcommittee (minority

vice chair); Appropriations Universities and Community Colleges Subcommittee; Advice and Consent; Health Policy and Human Services

Term #: 2nd

Previous public service: Ingham County Board of Commissioners, 2001-08; Ingham County Register of Deeds, 2009-14

What is the most pressing issue facing Michigan now?

There are several critical issues facing Michigan right now. Most, if not all, are directly tied to the conversation surrounding state funding. Michigan faces a budget crisis that must be resolved before the dire consequences of inaction are felt by our communities.

This year's budget process has been the most dysfunctional in Michigan history. In a normal year, legislative leaders would work with the governor. They would discuss their shared priorities and negotiate the differences. This is how good government operates. It is what people expect of their leaders.

Unfortunately, that is not what happened this year.

In March, Gov. Gretchen Whitmer presented her budget recommendations. They provided real solutions to some of the toughest challenges we face. However, the majority did not offer counter proposals nor negotiate a state budget with the governor. Instead, they passed the budget without the executive branch's input. This is unprecedented in Michigan's history. Although the final budget gave the impression on paper of being balanced, the reality is it was structurally unbalanced and purposefully not a true solution.

This left the governor with few good options. She was forced to choose either demanding a real budget but missing the budget deadline and shutting down the state government or signing a budget that was designed to fail and fixed none of Michigan's most urgent problems. In the end, the governor signed the budget that was sent to her, averting a government shutdown and avoiding immediate layoffs, but used the powers of the executive branch — as provided to

every governor for the last century — to maintain state government's core functions until a solution could be reached.

In order to resolve the structural issues with the budget, the Legislature must pass a negotiated supplemental budget. The supplemental has already been negotiated. We cannot allow personal animosities or politics to put Michigan's future in peril.

Based on your experience, how important are counties to the effective delivery of public services?

As a former county commissioner and register of deeds, I saw firsthand how important county government is in serving the needs of our community. From public safety to public health, county government plays an extremely important role in effective delivery of public service. The government closest to the people is often the one that affects them most. While everyone is watching Washington and Lansing, they should be paying attention to their county courthouse.

Looking back at the beginning of the 2019-20 term, what was your goal/expectation for finishing the FY20 budget? Did you think there would be outstanding issues going into December?

With a new governor and split power between Democrats and Republicans for the first time in eight years, I knew there would be some bumps. In the era of terms limits, there is always a "getting to know each other" phase. However, I never could have imagined we would be where we are.

You have recently told stories about shared government in which your father served as the Democratic co-speaker of the House of Representatives, alongside Republican Paul Hillemonds, in 1993-1994. Do you think a shared government could function in today's increasingly divided political climate as it did in 1993-1994?

I miss my father every day, but this recent budget crisis makes me miss him more. After long days at the Capitol, I still pick up the phone to call him on the way home.

The Legislature has always functioned differently from the partisanship and gridlock seen in Washington, D.C., so absolutely it could work.

With that said, when people look back at the time of shared power, they remember how well the Legislature functioned and how much they were able to get accomplished. But what they don't always remember

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is the beginning of shared power when each side was trying to steal each other's members and using every tool they could think of to gain control. My dad went so far as to give a speech on the House floor referencing Judas and 30 pieces of silver.

So, yes, we could absolutely function under shared power. We were elected to lead for our constituents. I reject the idea that we are too broken, or this moment is too big for us.

Counties are being hit hard by the opioid crisis and the increasing need for mental health services, especially in our jails, which are turning into treatment facilities. Do you think the state will entertain significant investment in mental health and substance use disorder treatment so counties can treat and divert individuals who need help?

The Legislature has a moral and fiscal obligation to invest more broadly in mental health services. If we properly invest in people on the preventative and treatment end, we would save significant sums in our jail and prison systems AND be doing what is morally right.

We now have a system where if you are wealthy or are in poverty, you have access to quality mental health and substance abuse care, but the people in the middle often must be in the direst situation to get help. Our state psychiatric hospitals operate with long waiting lists for patients who are in immediate need. While they are on the waiting list for bed space, they are in our county jail cells or in a hospital bed sedated. This results in the patient being in worse condition when they end up finally getting the treatment they need, and it takes longer to treat them, so their stay in the state facility is longer, which adds to the length of the waiting list. We have created a vicious circle that continues to have consequences for the entire system and real people's lives.

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Michigan Association of Counties

LEGISLATOR Q&A

REPRESENTATIVE BRIAN ELDER



Name: Rep. Brian Elder

District/counties: 96th/Bay

Committees: Agriculture (minority vice chair); Judiciary

Term #: 2nd

Previous public service: Bay County Board of Commissioners, 2003-10

What is the most pressing issue facing Michigan right now?

Fixing our roads and infrastructure, adequately funding public education and supporting local governments. In 2003, as a new county commissioner with just 60 days' experience, we had to rebalance our county budget because of state cuts to revenue sharing. This issue has not been addressed for going on two decades. From 2001 through 2018, counties, cities, villages, and townships saw a total loss of \$8.6 billion in revenue sharing payments.

The state's general fund budget is the same today as it was in 2000. Fixed for inflation, that represents a loss of approximately \$5 billion. But for the tax breaks and giveaways over the last two decades, we would have the money to fund public schools, local governments AND fix the damn roads.

Based on your experience, how important are counties to the effective delivery of public services?

A significant proportion of the services provided to citizens of Michigan are provided directly by their county government. Courts, jails, law enforcement, public health services, local roads, veterans' services, services for the aging, 911, animal control, mosquito control, recreation, economic development and so much more come straight from our counties to our citizens. Our everyday lives are positively affected in countless ways by county government. As a county commissioner, I used to joke that we did our job so well, our people didn't know what we do - until we did it poorly!

What can Michigan do to combat the opioid crisis and mitigate the impact it's having on our families and local services?

I support the governor's recently announced efforts to fight against the opioid epidemic. The state's strategy addresses three key areas: preventing opioid misuse, ensuring individuals using opioids can access high-quality recovery treatment, and reducing the harm caused by opioids to individuals and their communities.

In addition, I believe we should also hold drug companies accountable for their role in creating this problem. There have been several lawsuits filed by counties in Michigan to compensate them for the taxpayers' expense to treat this addiction. However, I fear that these lawsuits could be thrown out because of Michigan's unique drug immunity law. That is one of the reasons why I have been working on legislation to repeal this law.

Bills to extend county commissioner terms to four years are pending in the House and Senate. Based on your experience as a commissioner and board chair, do you support these bills?

No. In our Jacksonian democratic model, those who have the most discretion in policy making should be most accountable to the people. Given the return rate for incumbents in the office of county commissioner, our people seem to be satisfied.

What was your favorite accomplishment as a Bay County commissioner?

I served as a Bay County commissioner during cuts to revenue sharing and the Great Recession. During that time, we passed eight straight balanced budgets — without tax increases, without cuts to services and without layoffs.

Economic development was a passion for me, and I was a leader in creating our public-private economic development entity Bay Future, Inc. However, most popular among my citizens is probably the creation of the Bay County Dog Park, "Central Bark," a project I spearheaded in my first term.



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