

MICHIGAN COUNTIES



Cover Story: Matthew Chase, CEO of the National Association of Counties, delivers keynote remarks on April 25 at the 2023 Michigan Counties Legislative Conference. Prior to his remarks, Chase honored MAC on its 125th Anniversary with a special award. (Photo: Rod Sanford Photography)



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**As of April 15, 2023*

Letter from the Executive Director



A stylized, handwritten signature in black ink, appearing to read 'S. Currie'.

STEPHAN W. CURRIE
MAC EXECUTIVE DIRECTOR

“Your staff is using the latest technology to amplify the county voice in Lansing and Washington, D.C., while making it easier for members to participate in our work.”

Back in 1986, MAC made an important decision — to create the Michigan Association of Counties Service Corporation (MACSC).

This entity was designed to find and partner with firms that could aid our member counties with a variety of employer responsibilities, ranging from health care to telecommunications. Our services strengthen and enhance member employee benefit packages and provide our members the opportunity to purchase needed services at significant savings.

At all of my visits around the state, I make a point to remind counties what services they are using with MACSC and, just as importantly, what services they could be using:

Abilita: This firm is a leader in telecommunications consulting, with programs designed to provide a new cost-saving service for you to help reduce telecommunications costs. Best of all, you can save money without the hassle of dealing with the phone companies, and with no upfront costs or risk.

American Fidelity: This firm provides employer cost-savings solutions and supplemental insurance benefits to specific industries. Acting as an extension of the HR department, it educates, enrolls and supports the development of robust, competitive insurance packages.

Blue Cross Blue Shield: Of course, this is a name known to anyone in Michigan. Its partnership with MACSC means members get one-stop, dedicated customer service assistance. With online access to BCBSM, your new hires, terminations, member changes and new card requests are handled more efficiently.

HealthBridge: This is a first-of-its-kind employee benefit that helps you and your covered family members manage and pay for out-of-pocket medical expenses.

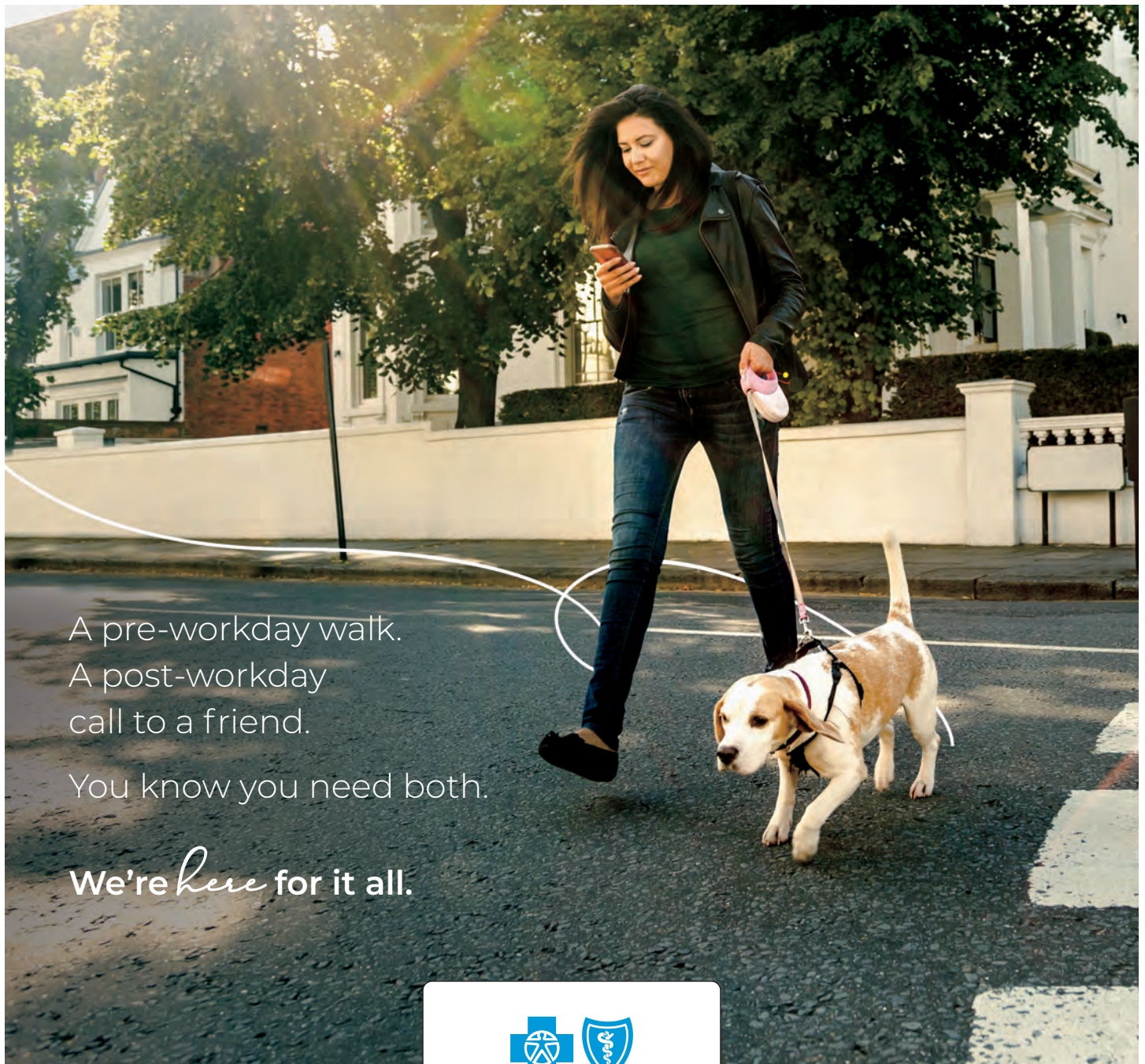
Lincoln: Thinking of adding term life, LTD or STD to your employees' package of benefits? Or perhaps you want to change your current coverage? Then here's some great news! Lincoln Financial Group can help. You may be entitled to preferred pricing on employer-paid benefits.

Nationwide Retirement: Saving for retirement can be a challenge in a troubled economy, and with tax laws continuously changing, you need a provider who will keep you ahead of the curve. Our partnership with Nationwide Retirement Solutions and the National Association of Counties provides professional retirement planning offering sound investment strategies, and a commitment to on-site customer service. This program allows MAC members to offer their employees state-of-the-art retirement plans from one of the industry leaders, Nationwide Retirement Solutions. Our program provides retirement planning with security, sound investment strategies, and a commitment to on-site customer service.

Our oldest employer service predates even MACSC.

The Michigan Counties Workers' Compensation Fund (MCWCF) began in 1979 and provides workers' compensation insurance, claims servicing and safety training to public agencies throughout the state. MCWCF has more than 80 members in our nonprofit pool, including counties, villages, libraries, courthouses, transit authorities and other government-funded entities.

CONTINUED ON PAGE 7



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Letter from the President



Stan Ponstein

STAN PONSTEIN
PRESIDENT, MAC BOARD OF
DIRECTORS

“I’m sure everyone has heard me say we are stronger as an organization when we stand together, whether it’s a single county issue or one that affects all 83 counties.”

When I was putting together my comments for the February issue, I was looking out the window and it was snowing. Two months have passed, but little has changed, weather-wise. The phrase “Winter-Water Wonderland” is taking on a new meaning this season.

That fact, however, did not hamper my ongoing travels across our state as I, along with Executive Director Steve Currie, went to Dickinson County to attend the Kiwanis Ski Club 2023 FIS Continental Cup Ski competition — an event that brings competitors and fans from around the world.

My biggest takeaway is that while you can watch ski jumping on TV, the sport only really comes to life when you experience it in person. Many of the coaches, skiers and fans all agree this is one of the venues they look forward to each year. And while most events will draw 200-300 attendees, the Dickinson County event draws between 10,000 and 12,000 fans who are engaged and cheer the jumpers on.

I’m sure everyone has heard me say we are stronger as an organization when we stand together, whether it’s a single county issue or one that affects all 83 counties. Dickinson County along with the Kiwanis Ski Club are working to bring the World Cup of Ski Jumping to Michigan. The one roadblock: money.

The International Governing Board is requesting improvements to the jump site in order to bring it to Michigan. The biggest cost item will be an elevator, so the athletes do not have to climb stairs to the top of the jump. Our tour guide, Commissioner and MAC Board Director Joe Stevens, got us access to help lobby for the benefits of an event like a World Cup. It would be an economic boost to Dickinson County and the rest of the Upper Peninsula.

While at the event, we interacted with state legislators, officials from the Great Lakes Sports Commission and Pure Michigan, the new operators of the Pine Mountain Resort and sponsors of the event. Now, I don’t know if I helped or if this event will help my own Kent County. I do know, however, it would mean a lot for Dickinson County and the Upper Peninsula. That’s why I went. Our counties are diverse geographically and demographically. That is Pure Michigan.

MAC remains busy on your behalf, as staff have been working to represent us in Lansing and Washington. Many thought this might be a challenging year, but I feel it will be full of opportunities and allow us to highlight our success as an organization during our 125th Anniversary Year! ♦



MAC PRESIDENT STAN PONSTEIN JOINED COMMISSIONER JOE STEVENS OF DICKINSON COUNTY IN MARCH FOR A GLOBAL SKI JUMPING EVENT AT THE PINE MOUNTAIN RESORT.

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Michigan Municipal Risk Management Authority
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Public Agency Retirement Services (PARS)
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MACPAC 2023 Members

MICHIGAN ASSOCIATION OF COUNTIES POLITICAL ACTION COMMITTEE

THANK YOU TO ALL MACPAC MEMBERS. TO SUPPORT MACPAC, PLEASE VISIT OUR WEBSITE, MICOUNTIES.ORG.

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**For period of Dec. 12, 2022, to April 3, 2023*

Letter from the Executive Director

FROM PAGE 5

MCWCF members routinely receive dividends of 35 percent.

To learn more, visit our website, micounties.org, or reach out to me at scurrie@micounties.org. I'm happy to help you and your county improve services to your employees and save your taxpayers money! ♦

83 COUNTIES MANY MORE STORIES

Michigan Counties is your gateway to all things related to county government in the Great Lakes State. For an annual fee of \$15, you will receive all six printed editions of the magazine (February, April, June, August, October and December).

To subscribe, send your name and mailing address to melot@micounties.org with the email header of "MI Counties Subscription." To pay, visit MAC's digital payment center at micounties.org/macsc.



Grant Identification and Writing Services

CoPro+ is a program that provides public entities with the opportunity to collaboratively procure valuable goods and services at competitive prices, while receiving a dividend reward for being a shareholder in the program.

Contracts have been approved for Grant Identification and Writing Services. The contracts are hosted by Livingston County; however, available to **all counties**. They were competitively bid and approved through the county's procurement process.

The vendors chosen through this process are pre-qualified to provide various services to the counties to assist them in identifying available grant opportunities and guide them through the grant application process. The contracts will offer a means for counties to receive grant writing assistance, coordination and planning of grant applications, compliance with grant guidelines and directives, and cradle to grave responsibility for awarded grants.

TWO CONTRACTS WERE AWARDED

★ Innovative Funding Partners

Brian Kelley

brian.kelley@innovativefundingpartners.com

★ JetCo Solutions

Jon Tellier

jtellier@jetcosolutions.com

Process

For each grant writing project, the contractor will determine the team that is best fit for the specific grant opportunity. The number of staff required will be dependent on the needs of each county.

The contractor will work at the direction of each county's designated lead to help them assess current funding priority areas, determine new priority areas for possible funding, and review current grant seeking efforts, programs and processes. Contractors will assist in determining key steps necessary to maximize organizational capabilities and identify the grant opportunities best suited for each organization.

CoPro+ is a time and cost savings program. It offers strong collaboration between the private and public sector, allowing the program to save your organization valuable dollars. The collaborative procurement program provides your organization assistance in every phase of the supply chain, ensuring quality products and services brought to you in the most efficient, cost effective manner.

Tasks

- Research grants that meet the county's criteria
- Obtain data needed to support proposals and write all sections of grant applications
- Review grant applications that are prepared by county personnel and offer suggestions for improvement
- Ensure all required certifications, documentation, and letters of support are submitted
- Submit grant applications in proper format and within established timelines
- Provide strategy consultation to secure competitive funding opportunities
- Assist with grant presentations
- Oversee compliance with grant guidelines and directives

Benefits of CoPro+

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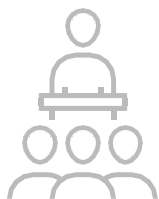


HIGH PERFORMANCE LEADERSHIP ACADEMY



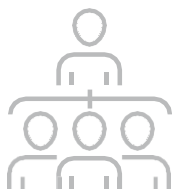
Counties affect the lives of residents every day. When our frontline staff are empowered as leaders, we deliver services more effectively. **The NACo High Performance Leadership Academy is a resource that connects your staff with practical leadership training.** HPLA uses an innovative, interactive online learning platform that combines real-time webinars, recorded sessions, and small group discussions to deliver effective training without traveling away from the county – saving money and maximizing time.

THE ACADEMY FOCUSES ON FIVE ESSENTIAL SKILLS:



LEAD:

Engage teams and stakeholders to foster positive climates and exceed common expectations



ORGANIZE:

Plan, lead and execute organizational change more effectively and consistently



COLLABORATE:

Establish alignment and strong partnerships through building stronger relationships



DELIVER:

Measure projects and processes to deliver results aligned with county and community priorities



COMMUNICATE:

Create clarity, confidence, and community

The NACo High Performance Leadership Academy empowers frontline county government professionals with fundamental, practical leadership skills to deliver results for counties and residents.

The Academy enrollment fee is \$2,495 per participant. Enrollees from each Michigan County will receive a NACo scholarship of \$850, reducing the fee to \$1,645.

With a curriculum developed by the late *General Colin Powell* and public and private sector leaders, NACo High Performance Leadership Academy gives students the opportunity to learn from world-class faculty. All content is guided by an expert facilitator.

Find out more at [NACo.org/Skills](https://www.naco.org/skills)



MAC continues work to ensure long-term funding for courts

BY SAMANTHA GIBSON/GOVERNMENTAL AFFAIRS ASSOCIATE

“The Michigan Supreme Court (MSC) is now considering the constitutionality of fees levied by trial courts on defendants (which represent 26% of operational court funding) in *People v. Johnson*.”

Michigan counties are the largest funder of our state’s trial court funding system. With that, proper funding of trial courts is crucial for counties and the courts alike.

That funding, however, has been under threat for nearly a decade. During that time, MAC has helped fend off potentially disastrous effects from legal cases and legislative stopgaps, but now, in 2023, is the time to finally enact sweeping and long-term reform.

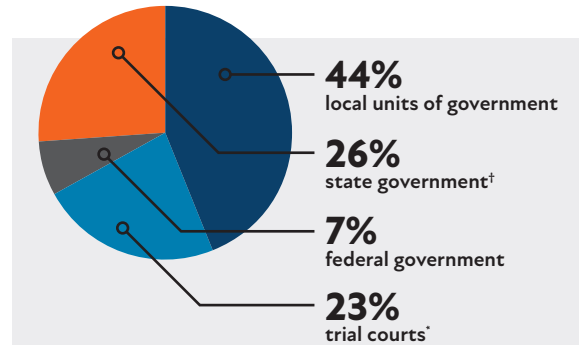
To that end, MAC members will soon be receiving notices from us to support legislation to adopt a variety of reforms urged by a state task force report issued in 2019. At the same time, however, MAC is working to prevent another potential funding gap stemming from a current legal challenge.

The Michigan Supreme Court (MSC) is now considering the constitutionality of fees levied by trial courts on defendants (which represent 26% of operational court funding) in *People v. Johnson*. If MSC rules against this practice, counties will be responsible for covering the gap — to the tune of millions of dollars.

To address a bad result in *Johnson*, MAC has proposed an emergency fix of a one-time appropriation of \$46 million from the state to fill any gaps. When you see legislators in your communities, please remind them that without state funding in this situation, counties will be forced to fund courts with dollars they do not have.

It is the general assumption of MAC and other stakeholders that MSC will rule the imposition of such fines and fees to be unconstitutional. Regardless of the ruling, however, legislators have voiced their support for both the \$46 million supplemental. Of course, this still leaves the long-overdue work of long-term reform.

In 2017, in the wake of the original 2014 MSC decision that initially disrupted funding, the Trial Court Funding Commission was established by Gov. Rick Snyder to study best practices and present reforms.



Michigan Trial Court Funding System

Michigan 242 trial courts are funded through a complex collection of general tax revenue and fee and fine revenue. It costs between \$1.1 billion and \$1.4 billion annually. More than \$418 million of funding for trial courts comes from fines and fees paid by people found guilty of crimes.

*A significant portion of funds generated by the trial courts are assessments on criminal defendants.

†State funding consists of General Fund revenue and revenue generated from fines.

Source: Michigan House Fiscal Agency, FY22

Two years later, the commission handed over its work. MAC and others applauded the recommendations and urged action. Then, at the Capitol, nothing happened.

That has to change, since regardless of the result of the *Johnson* litigation, courts’ fee authority will expire in May 2024 without legislative action.

MAC and other stakeholders are finalizing legislation this spring to adopt the commission’s recommendations:

1. Establish a Stable Court Funding System
2. The State Shall Offer to Provide All Court Technology Needs
3. Establish Uniform Assessments and Centralized Collections
4. Move Toward a Uniform Employment System
5. Establish a Transition Plan for the New Court Funding Model

MAC members should make sure their legislators are aware of the financial burden that will be placed on counties without action from the state. ♦

The general duty to vote and number of votes required

BY MATT NORDFJORD/COHL, STOKER AND TOSKEY P.C.

Editor's note: Michigan Counties is reviving this edition a regular feature of legal analyses provided by the firm of Cohl, Stoker and Toskey P.C.

GENERAL DUTY TO VOTE

Members of the county board of commissioners are elected officials generally responsible for managing the affairs of the County (*Const* 1963, art. 7, §§ 7, 8; *MCL* 46.1 et seq.; *MCL* 46.401 et seq.; *OAG*, 1995-1996, No. 6913, p 197 [Aug. 19, 1996]). As public officials, the official powers of the members of the Board of Commissioners are fiduciary. They are trusted with public functions for the good of the public, i.e., to protect, advance and promote its interests. (*OAG*, 1979-1980, No 5626, p 543 [Jan. 16, 1980]).

In this context, a commissioner generally must vote on all matters coming before the Board of Commissioners. It is a breach of duty to abstain from voting in order to avoid an incompatibility of office, i.e., a conflict involving another public office or employment held by the Commissioner (*Macomb County Prosecutor v Murphy*, 464 Mich 149, 164; 627 N.W.2d 247 [2001]). This most often arises when there is a contract between the public entities in which the commissioner is employed or serving in an official capacity. Abstaining from official action in an attempt to avoid an incompatibility does not remedy a breach of duty. In fact, abstaining from voting in this situation results in a breach of duty. Therefore, vacating one of the offices is the only solution to the problem (see *Wayne Co Prosecutor v Kinney*, 184 Mich App 681, 684; 458 NW2d 674 [1990]; *Contesti v Attorney General*, 164 Mich App 271, 280; 416 NW2d 410 [1987]).

As a practical matter, requests to abstain from a vote do occur and the bylaws/board rules may address the method. Even though not legally required, we generally recommend a disclosure by a commissioner in a situation where abstention is sought, for the purpose of transparency. Abstention does not fix

a legally prohibited conflict of interest (or incompatibility) and has the effect of a “no” vote for the purpose of calculating whether a question has passed or failed. Procedurally, every question not requiring a roll call should be put forward by the chair calling first for the affirmative votes and then for the negative votes. Even if a voice vote appears unanimously approved, the negative vote should still be called. Notably, the chair should not call for abstentions as these should only be addressed in the event of a specific request.

MAJORITY OF QUORUM PRESENT OR MAJORITY OF MEMBERS ELECTED AND SERVING

The general procedure to follow when determining the number of votes required is contained in *MCL* 46.3(2):

The county board of commissioners of a county shall act by the votes of a majority of the members present. However, the final passage or adoption of a measure or resolution or the allowance of a claim against the county shall be determined by a majority of the members elected and serving. The county board of commissioners may require in its bylaws that the votes of 2/3 of the members present or a majority of the members elected and serving, whichever is greater, are required on final passage or adoption of a non-agenda item. The voting requirements of this subsection do not apply if section 11 or any other provision of law imposes a higher voting requirement.

In practice for a county board of commissioners, only those matters involving questions of procedure (e.g., motion to divide a question) or which are administrative to the board (e.g., whether to adjourn, referral to a committee) will be determined by votes of a majority of the members present. This presumes a quorum was present at the outset to call the meeting to order. That said, the final passage or adoption of a measure or resolution (including motions) or the allowance of a claim against the county requires a majority of the members elected and serving to vote in the affirmative. ♦

Matt Nordfjord is a principal with the firm of Cohl, Stoker and Toskey P.C. and speaks regularly at MAC events on the legal details of the Open Meetings Act and Freedom of Information Act.

“Even though not legally required, we generally recommend a disclosure by a commissioner in a situation where abstention is sought, for the purpose of transparency.”



MAC BOARD PRESIDENT STAN PONSTEIN AND ADVOCACY STAFF MET WITH REPRESENTATIVES OF THE ASSOCIATIONS OF CLERKS, PROSECUTORS, SHERIFFS, REGISTERS OF DEEDS AND TREASURERS FOR A "COUNTY SUMMIT" SESSION ON APRIL 10 TO COMPARE NOTES ABOUT LEGISLATIVE STRATEGIES IN 2023 AND BEYOND.

Rogers, Bumstead win advocate awards

State Rep. Julie Rogers, a former MAC Board director and Sen. Jon Bumstead were honored on April 24 with MAC County Advocate Awards for their work in 2022.

Rogers (D-Kalamazoo) and Bumstead (R-Muskegon) were presented special plaques by MAC Board President Stan Ponstein and Governmental Affairs Director Deena Bosworth during a Legislative Reception at the 2023 Legislative Conference in Lansing.

Rogers was honored for "continually (being) a strong advocate for counties and maintaining a great line of communication with MAC on any legislation or proposals that might affect counties, good or bad," Bosworth explained.



ROGERS



BUMSTEAD

"Bumstead has worked tirelessly on an important and sensitive issue, how to provide a tax break to military veterans while ensuring local governments are not financially penalized," Bosworth told members and legislators at the reception. "Legislation he filed last year was a product of that work and a major advance in addressing this situation. We here at MAC are hopeful that the Legislature this year will enact Bumstead's proposal."

More than half of Michigan counties honor MAC on 125th Anniversary

Forty-seven of Michigan's 83 counties had passed some form of resolution or expression of support for MAC's 125th Anniversary year, which began on Feb. 1, 2023, as of April 3, 2023.



MAC wishes to thank those counties: Alger, Allegan, Alpena, Antrim, Barry, Bay, Branch, Calhoun, Cheboygan, Chippewa, Clinton, Delta, Genesee, Gladwin, Gogebic, Houghton, Huron, Ionia, Iosco, Isabella, Kalamazoo, Kent*, Keweenaw, Lapeer, Leelanau, Lenawee, Macomb, Mackinac, Manistee, Marquette, Mason, Menominee, Midland, Montcalm, Newaygo, Oakland, Ogemaw, Ontonagon, Osceola, Oscoda, Presque Isle, Roscommon, Saginaw, Sanilac, Tuscola, Washtenaw and Wexford. (*Proclamation of support.)

For an updated list and latest news on the 125th Anniversary and related events, visit www.micounties.org or MAC's social media channels.



Macomb County hosts Student Government Day

The Macomb County Board of Commissioners held its Student Government Day on March 16. The event aimed to provide

students from Macomb County schools with an opportunity to learn about the purpose and mechanics of county-level government and to participate in a way that would enhance their understanding of how local government works.

Students first had to submit an essay on preventing school violence. From that pool, attendees were selected for a day of presentations, tours and Q&A sessions. They also were able to develop and adopt a mock proclamation.

Board Chairman Don Brown said the body wanted to create the county's first Student Government Day in order to develop greater local government awareness among youth. The day was designed to get them more involved as they approach voting age.

"They will find that county government affects a lot of things they care about," Brown said. "We are doing our bit to try and start to plant the seeds of awareness." ♦



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Association may be oldest in U.S., NACo leader tells 2023 conference; five selected to fill out MAC Board

BY DEREK MELOT/DIRECTOR OF COMMUNICATIONS AND MARKETING

“This week has been another highlight and honor for me as MAC president. I can’t wait to get to Kalamazoo in October for the Annual Conference to put a proper ending on this anniversary year.”



HOUSE SPEAKER JOE TATE MAKES A POINT DURING A LEGISLATIVE LEADERSHIP PANEL AT THE LEGISLATIVE CONFERENCE ON APRIL 26.
(PHOTO: ROD SANFORD PHOTOGRAPHY)

MAC and its members were treated to two anniversary presents at the 2023 Michigan Counties Legislative Conference.

Prior to his remarks on April 25 to a plenary session of the event, which drew approximately 300 to Lansing, Matthew Chase, CEO of the National Association of Counties, presented President Stan Ponstein and other MAC leaders a crystal trophy for the MAC display case.

More importantly, and surprisingly, Chase shared a bit of news: MAC just may be the oldest counties association in the entire country!

Chase and other conference speakers gave remarks beneath a huge version of MAC’s special 125th Anniversary logo, a visual reminder of the special year that began with a State Capitol celebration on Feb. 1, 2023.

“I can say we were equal parts surprised and pleased to hear Matt’s nugget of news about our historic position,” said Stephan Currie, MAC’s executive director. “He did tell us his research isn’t quite complete, but, as of now, there’s no information that any association is older than MAC. If that holds, we will have even more to

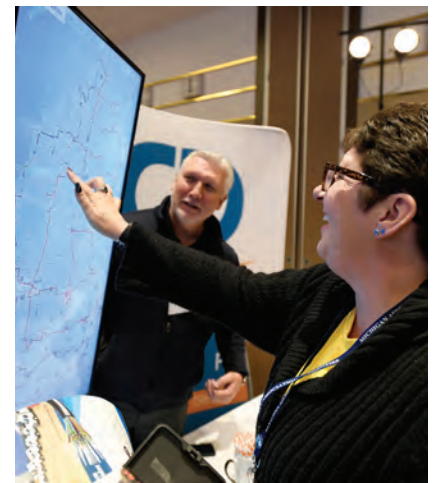
celebrate at the Anniversary Gala we are planning for the Annual Conference in October.”

While MAC’s legacy was a prominent theme at the 2023 conference, the association’s future was equally featured, no less so than in the election of five new commissioners to MAC’s governing Board of Directors in special elections on April 25.

After plenty of politicking and several rounds of votes in some of the regional caucuses, the following county leaders emerged victorious:

- Bryan Kolk of Newaygo County for Region 2
- Rick Shaffer of St. Joseph County for Region 3
- Dwight Washington of Clinton County for Region 4
- Sarah Lucido of Macomb County for Region 5
- Donald O’Farrell of Iosco County for Region 6

Just hours after their election, commissioners were sworn in for the Board slots and put immediately to work, helping the Board select Melissa Daub of Wayne County for the vacant second vice president position.



“With all we have going on in Lansing and with the association, it’s important to have the Board at full strength,” said Ponstein. “The last five months of my presidency will be busy ones for the Board and staff.”

Currie and MAC Governmental Affairs Director Deena Bosworth alluded to much of that work during their conference presentations.

Currie, now in his eighth year as executive director, briefed attendees on a new corporate partnership program that the association sees as key to keeping dues down for county members. He also detailed the ongoing success of MAC’s CoPro+ subsidiary and the resources available to members in planning to use their opioid settlement payments.

Bosworth shared updates on the state’s large boost for county revenue sharing in the next budget and MAC’s work to avoid a funding crisis for trial courts.

The good news from the State Capitol was reinforced by other conference guests, including State Budget Director Chris Harkins and legislative leaders headed by House Speaker Joe Tate (D-Wayne) and Senate Majority Leader Winnie Brinks (D-Kent).

“It’s been an amazing week (legislatively) for counties,” said Bosworth, who moderated the legislative panel that included Tate, Brinks, Senate Minority Leader Aric Nesbitt (R-Van Buren) and House Minority Floor Leader Bryan Posthumus (R-Kent).

“This week has been another highlight and honor for me as MAC president,” said Ponstein. “I can’t wait to get to Kalamazoo in October for the Annual Conference to put a proper ending on this anniversary year.” ♦

State's fiscal health is not a permanent condition

BY ERIC LUPHER/PRESIDENT, CITIZENS RESEARCH COUNCIL OF MICHIGAN



MAC strongly supports the work of the **Citizens Research Council of Michigan**, a nonpartisan, independent public policy research organization. MAC Executive Director Stephan Currie currently sits on the CRC Board.

“The one-time use of resources also is significant. The governor’s budget proposes to spend \$1.9 in one-time spending initiatives and to add \$200 million to the state’s rainy-day fund.”



For the first time in many years, the state is in excellent financial condition. It closed FY2022 with General Fund and School Aid Fund balances of about \$12 billion.

Two items should be considered to put its condition in perspective. First, FY2022 revenues are very likely an aberration. Tax revenues were projected to return to trend in FY2023, even before any policy changes; and there have been policy changes. Second, even with this surge in revenues, the State of Michigan is attempting to address public problems with fewer resources than it did 20 years ago.

Michigan entered the 21st century in strong financial condition. When the nation entered a recession after the events of 9-11, Michigan entered a more prolonged period of economic malaise. General Fund/General Purpose (GF/GP) revenues declined by almost 30 percent over the next nine years and most state functions experienced severe spending cuts, especially state revenue sharing.

The state’s financial condition during the second decade can be characterized as

treading water. Things didn’t get worse, but they didn’t really get better.

And then the COVID pandemic hit. Contrary to initial fears, the pandemic economy was good for state revenues. To help manage through the COVID-pandemic, the federal government provided financial aid to the state and local governments, businesses, and individuals. That aid helped generate additional spending, and thus additional tax revenues. The pandemic also caused changes in economic behaviors in ways beneficial to state tax revenues, such as people switching from the consumption of services, that are not subject to the state sales tax, to goods, that are taxable.

After climbing out of a two-decade hole, state revenues are projected to grow to new heights in the next couple of years.

Still, it is useful to keep perspective. Adjusted for inflation, projected FY2025 revenues will still be down by close to 17 percent from FY2000.

Rather than using this growth to recover lost

ground, the wealth of resources will be depleted in the next few years through the use of ongoing and one-time resource commitments.

The governor's budget proposal includes \$1 billion in new ongoing General Fund spending for FY2024, with just about every state function receiving a funding bump, including state revenue sharing.

Additionally, taxpayers will enjoy about \$1.3 billion in ongoing tax relief by FY2026, including expansion of the Earned Income Tax Credit, reversal of the Snyder administration's tax treatment of retirement income, redirection of corporate income tax revenue for economic development, exemption of certain delivery and installation charges included in the price of a product from the state's sales and use taxes, and other tax credits related to clean energy, electric vehicles, and childcare educators.

The one-time use of resources also is significant. The governor's budget proposes to spend \$1.9 in one-time

spending initiatives and to add \$200 million to the state's rainy-day fund.

Taxpayers also will enjoy a windfall as the income tax rate is reduced from 4.25 percent to 4.05 percent in 2023; one that will apparently be one-time in nature given an Attorney General opinion. A 2015 series of bills that was designed to generate an additional \$1.2 billion in annual road funding included an income tax rate "trigger" formula that effectively reduces the income tax rate whenever state General Fund revenue grows sufficiently faster than the general inflation rate. State General Fund revenue grew by more than 17 percent between FY2021 and FY2022 – outpacing even the abnormally high 7.9 percent inflation rate. The triggered rate cut will result in about \$650 million less revenue.

With the revenue declines from the tax relief proposals and the large one-time spending proposals in the Executive Budget, when the governor releases her FY2025 budget next February, that \$12 billion revenue surplus will largely be gone. ♦

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How to prepare for changes in POT services

BY DAN AYLWARD/ABILITA

Abilita is a telecommunication consulting service that is a MACSC-sponsored program. For more information, visit www.micounties.org/abilita.

“Fire alarms, burglar alarms, elevator phones and other services have used POTS lines for decades and the functionality needs to be maintained.”

Over the last several years there have been countless articles published (including in Michigan Counties) about the state of POTS (plain old telephone services) lines and their demise. Copper, analog lines aren't going to disappear and stop working overnight, but there are big changes coming to services that were traditionally served by those products. Here are the realities you can expect as these transitions take place.

- **Reality 1:** Costs will rise. Most carriers have increased their charges for out-of-contract POT services. Some have increased by 400 percent or more.
- **Reality 2:** It will take longer to get service issues resolved.
- **Reality 3:** New services may not be available at any cost.

POTS FUNCTIONALITY IS STILL NEEDED

Organizations need to continue to provide for and support the applications that have historically relied on POTS services.

Fire alarms, burglar alarms, elevator phones and other services have used POTS lines for decades and the functionality needs to be maintained. Some government departments still rely on fax over traditional phone lines, such as county health departments, court applications and local sheriffs.

WHAT SHOULD YOU DO?

The first step is to establish a baseline of all services and applications that are copper based. It is important to review all vendor contracts to determine the status of the term, when it expires, and what the vendor options are at the end of the term. If the service is out of term, you need to determine when and if the pricing will change and by how much.

Consider the alternatives if your analysis shows that costs will be rising. Most County offices have an Internet connection, but to assume that you can move the current analog services to the Internet service is probably an

oversimplification. For example, there may be some regulatory issues to consider. For medical applications, HIPAA is a requirement, and local building codes for elevator and alarm lines.

Start a conversation with your current vendors early in the process. Many have indicated that they have products and services either currently available or planned for future deployment. They understand the severity of the issue and want to keep you as a customer. Some vendors can rapidly implement solutions without a major change to your existing infrastructure. Some services can be added to your existing network and others can use alternative technologies such as (long-term evolution) LTE (cellular).

AT&T has announced AT&T Phone for Business – Advanced, which is a cloud-based replacement for traditional phone and data lines. It provides analog Voice over Internet Protocol (VoIP) connections that can also support dedicated specialty lines such as fax, alarm lines, elevators, and point-of-sale terminals. It also has LTE capabilities and battery backup. (CenturyLink/ Brightspeed and Frontier have similar offerings).

Ooma addresses the POTS replacement issue with a solution that rides on a wireless network. With this solution, there is no need to replace existing hardware. You can continue using your existing devices.

The point is this – there are changes coming to the traditional analog, copper infrastructure and you need to either prepare for them in an organized, proactive way or you'll eventually be stuck with rising costs and limited vendor resources.

The best way to be proactive is to become aware of your options and alternatives. Talk to your vendors to discover what their plans are. If you don't have the in-house resources or the time, consider engaging a communications technology consultant. Abilita's independent, objective consultants specialize in cost reduction, technology review and recommendations and contract negotiations. We are ready to assist. ♦



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Safety drill identifies lessons for Missaukee personnel

BY ELIZABETH M. VOGEL/MISSAUKEE COUNTY ADMINISTRATOR

“Lessons learned from a full-scale exercise can help emergency management officials evaluate their readiness, identify gaps in their plans, and develop strategies to address them.”

A full-scale exercise, or FSE, is a simulation of an emergency, focusing on testing emergency response plans and procedures. It involves multiple agencies working together in a realistic scenario to identify strengths, weaknesses, and areas for improvement in their emergency management plans. On a cold and snowy Saturday last December, Missaukee County agencies held their first full-scale exercise, which was simulation of an active shooter at McBain Rural Agricultural Schools.

Effective emergency management requires coordination and communication between multiple agencies, such as law enforcement, fire and EMS, healthcare providers, and local school and government. Normally a FSE can take a take a year or more to plan, but we did it in about 5 months of regular planning meetings. The exercise provided an opportunity for the agencies in Missaukee County to work together and improve their coordination and communication during a crisis — but I found that the planning process itself was just as valuable as the exercise. I worked closely with the local volunteer fire departments and the school superintendent, building important relationships. The planning process also helped me become fluent in the language of emergency management, which has been invaluable in my time as a County Administrator.

Lessons learned from a full-scale exercise can help emergency management officials evaluate their readiness, identify gaps in their plans, and develop strategies to address them. These lessons can include identifying communication breakdowns between agencies, deficiencies in equipment or resources or inadequate training.

In our case, the most important lesson learned was that the 800-MHz radios did not work inside the school. The sheriff was calling out to EMS to enter the school, and

Active Shooter Preparedness

the emergency responders were not getting the message. The sheriff quickly moved his Incident Command Post to the entrance of the school; however, an estimated three to five minutes was lost before EMS was in the school attending to the victims.

We came to learn that the source of poor radio performance is signal absorption by building materials. Lower frequencies, such as very low frequency (VLF) and medium frequency (MF) will penetrate building material, while 800-MHz ultra-high frequencies (UHF) do not. We found during the full-scale exercise that cumulative signal extenuation was a serious problem for our law enforcement, who was inside the building, to communicate to EMS and fire, who were ready and waiting outside.

Full-scale exercises are a critical tool in emergency management, providing a means for agencies to test their emergency response plans and procedures and to identify areas for improvement. The McBain Rural Agricultural Schools have already identified a way to correct the poor performance of the radios by installing “amplifiers” or “boosters,” which will improve the radio signals. This corrective action is unfortunately expensive, and the schools are working to identify funding sources.

By working together to prepared for and execute the full-scale exercise, Missaukee County agencies have learned important lessons and are better prepared for and respond to emergencies, ultimately helping to protect and save lives. ♦

Prosecutors remain vigilant in protecting rights of crime victims

BY JEFF GETTING/KALAMAZOO COUNTY PROSECUTING ATTORNEY

AIn April, prosecutors marked both Crime Victims' Rights Week (CVRW) and Child Abuse Prevention Month. Both crime victims and kids are priorities to the mission of prosecutors.

Prosecutors understand that when a case involves victims, including child victims, the bottom line is that they are people who must have their voices heard. My colleagues in the Prosecuting Attorneys Association of Michigan take this understanding to work every day.

On April 19, the 34th Crime Victims Vigil was held at the State Capitol. This was an opportunity for victims of crime to share what they have been through and how being a victim of a crime has impacted their life. A lot of those victims shared stories about how a prosecutor helped them.

Brave individuals have come forward to share, for example, how a prosecutor worked with a victim to change state law, so that he didn't have to testify before the Parole Board every year, and, in doing so, relive a horrific attack. The sister whose brother was killed by a drunk driver shared how an assistant prosecutor and a victim advocate helped her work through an unfamiliar process and moved her and her family from being victims to survivors. And finally, a domestic violence survivor has shared how a prosecutor always took her calls, answered questions, and never took her case lightly. Giving these victims, and all victims of crime, a voice during a time of great difficulty is a privilege that prosecutors do not take lightly.

Prosecutors are also working every month to prevent child abuse. In many communities, prosecutors and staff are meeting with educators and administrators to discuss physical and sexual abuse with the goals of being able to help prevent children from becoming victims and to provide access to assistance for those children who have been victimized. In many areas, the local prosecutor's office works to make the legal process easier for kids. Many prosecutors now have a four-legged member of their teams in the form of a canine advocate.



Credit: Pix4Free.org

The legislature has recognized that these special dogs have an important role to play in staying by the side of a young person, or an adult, during court proceedings.

While prosecutors are fighting for victims and for kids, we are also fighting for necessary resources. Justice isn't just a line item in a budget, it is a right for everyone in Michigan and across our country. Prosecutor's offices have not been immune to the changing post-pandemic work world. Evidence is not just stored in a box anymore, rather, it takes the form of tremendous amounts of data. Processing and storing the data comes with a cost, so does hiring and retaining talented professionals, but they are both important pieces of keeping our communities and our kids safe, and in securing justice for victims. Victims deserve to have prosecutors that are able to devote the time necessary to properly prepare their cases for court. They deserve Prosecutor offices that have the staffing needed to represent them and the communities that they live in.

We prosecutors are focused on people every day, and we understand that all people are different and all cases are different. And whether it is listening to a victim, helping a kid, advocating at the state Capitol, making sure that the rights of defendants are protected, or ensuring that justice is being accomplished, Michigan prosecutors are focused on making a difference for the communities, families and people they serve. ♦

**AFFILIATE
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Jeff Getting is a member of the Prosecuting Attorneys Association of Michigan, an affiliate member of MAC.

“In many communities, prosecutors and staff are meeting with educators and administrators to discuss physical and sexual abuse with the goals of being able to help prevent children from becoming victims and to provide access to assistance for those children who have been victimized.”

Sen. Sue Shink



Name:

Sen. Sue Shink

District/counties:

District 14/
Washtenaw, Jackson

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Corrections
and Judiciary
Subcommittee
(Chair), Natural
Resources and
Agriculture (Chair);
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Agriculture and
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and Human Services;
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Term:

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What is the most pressing issue facing Michigan?

We have several most pressing issues facing Michigan. Climate change is causing tens of millions of dollars' worth of damage to communities each year—think of the Detroit freeway flooding and associated home flooding of 2021; the Edenville Dam failure and the recent ice storms are all exacerbated by climate change that will bring more rain and ice to Michigan in the coming years. At the same time, low wages mean that many working families are struggling with access to food, transportation and housing. Those are just two big issues! We need to use the word “and” as much as possible to work through these and other challenges in a way that doesn’t leave people out of the solutions or ignore other issues facing Michigan.

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

Counties are adept at innovating and creating service delivery that matches peoples’ needs and preferred ways of doing business. Counties are big enough to convene community leaders and small enough that county employees know most in the community. The other thing that counties can do is act fast to meet emerging needs. For example, during COVID, when it became clear that elderly residents weren’t making it to the mass vaccination site, Washtenaw County started holding clinics at local churches and sending nurses to elderly residents’ homes, something we called “Nurse on the Run,” to ensure all of our residents, and especially the most vulnerable, had easy access to vaccinations.

Trial court funding reform is imperative to the effectiveness and fairness of our local courts. In your role as chair of the Senate Appropriations Corrections and Judiciary Subcommittee, how will you ensure court funding reform is implemented and proper funding is allocated?

I support the work of SCAO to prepare for trial court funding reform and talk with the Supreme Court Administrator frequently. I

support the work culminating in the final report of the Trial Court Funding Commission (TCFC), which was issued in September 2019. It concludes the current system is broken and includes five recommendations. The first four recommendations are substantive and the fifth procedural. These are the recommendations in brief:

- Establish a Stable Court Funding System
- The State Shall Offer to Provide All Court Technology Needs
- Establish Uniform Assessments and Centralized Collections
- Move Toward a Uniform Employment System
- Establish a Transition Plan for the New Court Funding Model

The report elaborates each recommendation. They would all become relevant if the Supreme Court finds the relevant portion of MCL 769.1k unconstitutional. This subsection was added after the Supreme Court declared existing assessment of costs without authority in *People v Cunningham* in 2014. It provides:

(b) The court may impose any or all of the following:

* * *

(iii) Until May 1, 2024, any cost reasonably related to the actual costs incurred by the trial court without separately calculating those costs involved in the particular case, including, but not limited to, the following:

- (A) Salaries and benefits for relevant court personnel.
- (B) Goods and services necessary for the operation of the court.
- (C) Necessary expenses for the operation and maintenance of court buildings and facilities.

MCL 769.1k(1)(b)(iii)

Recommendation #5 suggests a collaborative working group approach to implementing the complicated solutions offered in recommendations #1-#4. The Michigan Supreme Court created the Michigan Judicial Council (MJC) in 2021. The MJC supported the TCFC’s work as part of its Strategic

Agenda (see a summary at [https://www.courts.michigan.gov/4a73ce/siteassets/reports/special-initiatives/mjc-strategic-agenda-flipbook/mi_ataglance-7.13.22-\(1\).pdf](https://www.courts.michigan.gov/4a73ce/siteassets/reports/special-initiatives/mjc-strategic-agenda-flipbook/mi_ataglance-7.13.22-(1).pdf)). This operational plan includes Alternative Funding for Trial Courts. There is now a workgroup meeting and planning as recommendation #5 envisioned. This group is also working on a short-term plan in the event the Court does strike down MCL 769.1k(1)(b)(iii).

Washtenaw County has done some great work with its Broadband Task Force. What role do you believe counties can play in broadband expansion?

The Washtenaw County Commissioners, with support of residents, chose to allocate ARPA funds to ensure every single resident has access to high-speed internet, something that should be completed by the end of 2024. Michigan is working to make high speed internet available across the state. One thing Washtenaw County did that counties can do to get ready is to ensure that the coverage data for their county is accurate. The FCC Form 477 is self-reported by service providers and Washtenaw County found it to be incomplete and lacking the granularity needed for accurate coverage inferences. Washtenaw County did its own survey so that house by house, broadband coverage (or lack of coverage) is known. Actively participating in the process from supporting provider grant funding applications to providing funding is important to making high-speed internet happen for residents. ♦

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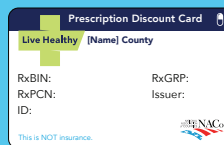
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