

The regular meeting of the Genesee County Board of Commissioners was held in the Willard P. Harris Auditorium, 3rd floor of the Genesee County Administration Building, 1101 Beach Street, in the City of Flint, County of Genesee, State of Michigan, on Tuesday, February 14, 2017 commencing at 9:02 a.m.

**CALL TO ORDER:**

The meeting was called to order by Chairperson Mark Young.

**ROLL CALL:**

The following members were present:

District #1, Bryant W. Nolden; #2, Brenda Clack; #3, Ellen Ellenburg; #4 Kim Courts; #5, Mark Young; #6, Drew Shapiro; #7, Martin L. Cousineau; #8, Ted Henry; #9, David W. Martin

Absent: None

**INVOCATION:**

The Invocation was given by Brenda Clack, Commissioner of the 2nd District.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Ted Henry, Commissioner of the 8th District.

**APPROVAL OF MINUTES:**

Commissioner Ted Henry moved to approve proposed Proceedings of the Board for the January 17, 2017 meeting, as printed.

Supported by Commissioner Bryant W. Nolden.

Carried

**PUBLIC ADDRESS:**

Kendall Stagg, Trinity Health, addressed the Board to express his support for the Health Department Tobacco Regulation Resolution.

Mark Valacak, Genesee County Health Officer, addressed the Board to express his support for the Health Department Tobacco Regulation Resolution.

Pete Lavigne, Greater Flint Health Alliance Coalition, addressed the Board to express his support for the Health Department Tobacco Regulation Resolution.

Dave Hodgkins, American Heart Association, addressed the Board to express his support for the Health Department Tobacco Regulation Resolution.

Ken Fletcher, American Lung Association of Michigan, addressed the Board to express his support for the Health Department Tobacco Regulation Resolution.

Angela Clock, Tobacco Free Michigan, addressed the Board to express her support for the Health Department Tobacco Regulation Resolution.

Kay Doerr, Chairperson, Board of Health, addressed the Board to express her support for the Health Department Tobacco Regulation Resolution.

Sharon Sadler, addressed the Board to express her support for the Health Department Tobacco Regulation Resolution.

Bailey Brown, Wayne State Public Health student, addressed the Board to express her support for the Health Department Tobacco Regulation Resolution.

Pegge Adams, 6278 N. Oak Rd., Davison, addressed the Board to express her support for the Health Department Tobacco Regulation Resolution.

Cindy Pruiett, 4087 Knollwood Dr., Grand Blanc, addressed the Board to express her support for the Health Department Tobacco Regulation Resolution.

Elisa Craig, Hurley Medical Center, addressed the Board to express her support for the Health Department Tobacco Regulation Resolution.

Andy Cruze, Ascension Genesys, addressed the Board to express his support for the Health Department Tobacco Regulation Resolution.

Chris Franklin, American Indian Veterans of Michigan Chair, addressed the Board to express his support for the Health Department Tobacco Regulation Resolution.

Deb Cherry, Treasurer, addressed the Board regarding Resolution B2.

Chairperson Young stated that the County has maintained an A2 credit rating, according to the Moody's Report.

COMMUNICATIONS: Steve Currie, Michigan Association of Counties Executive, presented overview on MAC.

#### REPORTS:

Commissioner Bryant W. Nolden moved that the following Resolution, item number, B1, as printed on the agenda, be adopted.

Supported by Commissioner Ellen Ellenburg.

Carried

Presentation by Amy M. McMillan, Director, Parks and Recreation Commission, regarding the Flint River Restoration Plan.

RESOLUTION (17-036)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, by this Board of County Commissioners of Genesee County, Michigan, that the attached *“2017 Procedures Applicable to the Genesee County Board of County Commissioners and the Board’s Standing Committees”* is adopted as the governing instructions for identifying the processes and procedures to be followed for agenda items and other requests for approval from the Genesee County Board of County Commissioners for calendar year 2017, and subsequent years absent rescission by this Board of this document.

BE IT FURTHER RESOLVED, that this Board’s Coordinator shall disseminate this Resolution and the attached document to all department heads.

BOARD OF COMMISSIONERS

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Attachment

**2017  
PROCEDURES APPLICABLE TO THE  
GENESEE COUNTY BOARD OF COMMISSIONERS  
AND THE BOARD'S STANDING COMMITTEES**

**GENERAL INSTRUCTIONS**

1. *Standing Committees.* As a general rule, items submitted for action by the Board of Commissioners (BOC), other than approving minutes, making an appointment, electing an officer, accepting a report, or adopting a laudatory resolution, should first be considered, and then be referred to the Board, by one of the Board's Standing Committees. The Standing Committees are Finance (FIN), Governmental Operations (GOC), Human Services (HSC), Public Works (PW) and Community & Economic Development (C/ED). All County Commissioners are members of each Standing Committee. These Procedures are designed to require consideration of an item by only one Standing Committee.
2. *Parent Committees.* "Departments" in these Procedures means County budgetary centers and other organizations listed below as having a "Parent Committee." Each Department has a Parent Committee. A Parent Committee is the Standing Committee to which matters regarding that Department are to be submitted if, under these Procedures, that matter does not fall within the responsibilities of any other Standing Committee.
3. *Submission Due Dates.* Agenda items are due by 4:00 p.m. on the Tuesday prior to the Committee meeting.
4. *Controller or Prosecuting Attorney Approval.* Items requiring Controller review, that is, items requiring an appropriation or a budget transfer, or items requiring Corporation Counsel review are due to the Controller or Corporation Counsel by 12:00 Noon ten calendar days prior to the Committee meeting. It remains the Department's responsibility to submit the item to the Board Office for Committee meeting submission upon approval by the Controller or Corporation Counsel.
5. *Other Appropriate Approvals.* Departments must inform appropriate support departments (e.g., Human Resources Department, Purchasing Department, Controllers Office, and Prosecuting Attorney – Civil Division) and obtain the support department's approval, when necessary, regarding a proposal prior to submitting it to Committee. For example, Departments must contact the Human Resources Department and the Controller's Office if a new position is to be created or a position is to be reclassified. The item must then be taken to the Finance Committee. Usually the memorandum request is prepared by the HR Department or Controller.
6. *Failure to Obtain Approval.* Failure to obtain approval from the appropriate support department/s may result in removal of the item from the agenda if the item has been placed on the agenda without the necessary approval. For example, failure to obtain review and approval of a contract by the Prosecuting Attorney – Civil Division prior to placement on the agenda may result in removal of the item from the agenda until the Prosecuting Attorney – Civil Division is able to review and approve the document.
7. *Cover Memoranda.* Agenda items must include a cover memorandum, addressed to the Chairperson of the Committee, stating what action is needed from the Committee. The cover memorandum must include the following information.

- A detailed description of the proposal.
- For travel requests, the purpose of the trip, the dates of the trip, the location of the trip, and the name of any class, seminar, or event that will be attended during the trip.
- The cost to the County under any contract to be approved.
- The funding source, including fund numbers, for payment of any costs to the County.
- If employee related, a single request for each job classification requested (multiple requests for same classification maybe on a single request).

Copies of any documents for which approval is sought must be attached to the memorandum.

8. *Electronic Submission.* All agenda items submitted to the Board Office shall be submitted electronically, either in Adobe PDF or Microsoft Word format.
9. *Board Approval Not Required.* The following items do *not* require Board or Committee approval:
  - a. Purchases with an annual value under \$5,000.00 made in accordance with Sections 3-104 and 3-105 of the Genesee County Purchasing Regulations.
  - b. Line item transfers authorized by the Controller, not involving overtime or travel workshop, and not exceeding \$5,000. (Resolution 95-224)
  - c. Line item transfers authorized by the Controller, from a line item or items not involving salary, fringes or capital equipment accounts, to a travel workshop line item, provided that such transfers not approved by the Board or a Committee shall not exceed \$5,000 per year in the department's budget. (Resolution 08-480)
  - d. Specific travel that was approved as part of the department's budget in the annual budget process.
10. *Original Contracts Not to Be Submitted.* Original contracts requiring the Chairperson's signature are not to be included with agenda items. Departments should keep the original documents requiring signature until final approval by the Board of Commissioners. Upon approval, documents may be submitted to the Board Office for signature by Chairperson. The requesting department is responsible for the collection of necessary signatures. If a roll call vote is taken at a Standing Committee approving the document and authorizing the Chairperson's signature, documents may be signed the same day of the Committee Meeting and submitted to another entity. Any such signature and submission, however, does not constitute final Board action until ratified by the Board, as distinguished from a Committee.
11. *Waiver Through Committee and Add Ons.* Waiver of items through to the BOC (bypassing the Committee) or to a non-parent Committee and late add-ons to a Committee agenda should be rare. Ideally, requests for waivers and add-ons will be granted only if the requesting department or Genesee County will lose funding if the item is not dealt with at the requested meeting.

If a waiver or add-on is deemed necessary, the Department must:

- a. Request from the Chairperson of the Committee to be bypassed permission to waive through that Committee.

- b. Obtain approval from the Chairperson of the Committee to which the item will be referred, or from the Board Chairperson if the item is to be presented directly to the Board without having been considered by a Committee.
  - c. Notify the Committee Secretary or Board Secretary that permission to waive/add-on has been granted by the relevant Chairpersons, and provide 11 copies of the agenda item to be passed out at the accepting Committee or Board meeting.
- 12. *Expedited Action and Roll Call Votes.* A Standing Committee may take expedited action on an item by taking a roll call vote. Additionally, roll call votes at Board of Commissioners or Committee Meetings shall occur pursuant to Board of Commissioners Bylaws Rule 6(e) when:
  - a. Voting on ordinances, appointments or elections at Board meetings; or
  - b. Ordered by Chairperson; or
  - c. Requested by 1/3 of Commissioners (Committee Meetings) or 1/5 of Commissioners (Board Meetings).

Approval by ROLL CALL VOTE by a Standing Committee authorizes a Department to take immediate action prior to final ratification by the Board of Commissioners at the next regularly scheduled meeting of the Board of Commissioners. Such expedited action is not considered final until ratification by the Board of Commissioners because the vote may change. The roll call vote does permit internal action to commence, such as posting positions, and, as noted in section 10, obtaining contract signatures.

- 13. *Weekly Board Schedule.* Departments should refer to the Weekly Board Schedule notice, which is posted on the Board of Commissioners web site each Friday, to ascertain meeting dates, times, and locations. The yearly schedule is a tentative schedule, and subject to change.
- 14. *Agenda Availability.* Board and Committee agendas with supporting materials are to be available for county commissioners by 5:00 p.m. on the Thursday before the applicable meetings.

**STANDING COMMITTEES AND THEIR RESPONSIBILITIES****FINANCE COMMITTEE (FIN)**

<b>Chair/Vice-Chair:</b>	<b>Drew Shapiro/Martin Cousineau</b>
<b>Secretary/Stenographer:</b>	<b>Melissa Bishop</b>
<b>Usual Meetings:</b>	<b>Twice a month, Monday, 9:15 a.m.</b>

**The Budget Committee (FIN/BUD) is the Finance Committee when meeting to essentially consider the annual County Budget.**

**Finance Committee:**

The Finance Committee serves as the Parent Committee for the Controller's Department. The Finance Committee is designed to focus on large dollar activities that directly impact the current County Budget, as well as to plan for future budgets. The Finance Committee processes new financial authorizations, modifications in current year budget line items in excess of \$5,000, and personnel activities when they affect the budget.

The Finance Committee will be responsible for recommendations regarding:

- Annual Budget process.
- Formation of new departments.
- Adjustment in compensation.
- The creation of new positions, other than re-establishment of automatically eliminated positions (Resolution #08-481).
- Reclassification of existing budgeted positions (Resolution #08-481).
- Department line item transfers greater than \$5,000.
- Grants requiring matches.
- Capital equipment procurement over \$5,000 where a General Fund appropriation is required.
- Annual capital requests.
- Appropriations for travel requests.
- The County being the primary debtor on a borrowing.
- Bonds issued by the County.
- Miscellaneous activities relating to the Controller's Office.

**Contact for Submittal of Agenda Items Requiring Controller Review: Assistant Controller, 257-3857.**

**Contact Human Resources Department regarding re-establishment or elimination of positions.**

**If Controller or Prosecuting Attorney – Civil Division approval is required, please see General Instructions #4.**

**Submission Due Dates: Agenda items are due by 4:00 p.m. on the Tuesday prior to the Committee meeting.**

**GOVERNMENTAL OPERATIONS COMMITTEE (GOC)**

<b>Chair/Vice Chair:</b>	<b>Bryant Nolden/Kim Courts</b>
<b>Secretary/Stenographer:</b>	<b>Kim Cunningham</b>
<b>Usual Meetings:</b>	<b>Twice a month, Monday, 9:00 a.m.</b>

**Governmental Operations Committee:**

The Governmental Operations Committee processes contracts for assigned departments, grant applications and acceptances for assigned departments that do not require a match, issues involving taxes other than the County's tax rates, and proposed changes to the Retirement Ordinance.

To the extent not covered in Finance Committee responsibilities, Governmental Operations Committee will be responsible for recommendations regarding:

- Issues involving taxes other than the County tax rates.
- Approval of collective bargaining agreements.
- Grant applications and acceptances for assigned departments (not requiring a County match).
- Payment of bills (including travel claims).
- Miscellaneous activities relating to assigned Departments.

The Governmental Operations Committee serves as the Parent Committee for those Departments assigned below:

<b>Adult Probation</b>	<b>Animal Control</b>	<b>Board Coordinator</b>
<b>Circuit Court</b>	<b>Community Corrections</b>	<b>Prosecuting Attorney–Civil Division</b>
<b>District Court</b>	<b>Emergency Management</b>	<b>Equalization</b>
<b>Friend of the Court</b>	<b>GIS Department</b>	<b>Human Resources</b>
<b>Information Technology</b>	<b>Probate Court</b>	<b>Prosecutor's Office</b>
<b>Retirement Commission</b>	<b>Sheriff Department</b>	<b>Treasurer's Office</b>
<b>Veterans</b>		

**Special Conditions:**

If Controller or Prosecuting Attorney – Civil Division approval is required, please see General Instructions #4.

**Submission Due Dates:** Agenda items are due by 4:00 p.m. on the Tuesday prior to the Committee meeting.



**HUMAN SERVICES COMMITTEE (HSC)**

<b>Chair/Vice-Chair:</b>	<b>Brenda Clack/Ellen Ellenburg</b>
<b>Secretary/Stenographer:</b>	<b>Melissa Bishop</b>
<b>Usual Meetings:</b>	<b>Twice a month, Monday, 9:30 a.m.</b>

**Human Services Committee:**

The Human Services Committee processes items relating to Health, Human Services, and Emergency Medical Services.

To the extent not covered in the responsibilities for one of the other Committees, the Human Services Committee will be responsible for recommendations regarding:

- Contracts and agreements for assigned Departments.
- Grant applications/awards for assigned Departments (not requiring a County match).
- Miscellaneous activities relating to assigned Departments.
- Senior Citizen Services.

The Human Services Committee serves as the Parent Committee for those Departments assigned below:

**Genesee Health System (fka Community Mental Health Services)**  
**Medical Control Authority**  
**Genesee County Community Action Resource Department (GCCARD)**  
**Genesee/Shiawassee Michigan Works!/Workforce Development Board**  
**Health Department (Board of Health)**  
**Medical Examiner's Office**  
**MSU Extension**  
**Senior Services**

**If Controller or Prosecuting Attorney – Civil Division approval is required, please see General Instructions #4.**

**Submission Due Dates: Agenda items are due by 4:00 p.m. on the Tuesday prior to the Committee meeting.**

**PUBLIC WORKS COMMITTEE (PW)**

<b>Chair/Vice-Chair:</b>	<b>Ted Henry/Bryant Nolden</b>
<b>Secretary/Stenographer:</b>	<b>Kim Cunningham</b>
<b>Usual Meetings:</b>	<b>Twice a month, Monday, 9:15 a.m.</b>

**Public Works Committee:**

The Public Works Committee processes all budgeted capital outlay over \$5,000.00, requiring a procurement contract for building and grounds activity, drain and sewer activities and County property issues.

To the extent not covered in the responsibilities for one of the other Committees, the Public Works Committee will be responsible for recommendations regarding:

- Acquisition or disposition of real property.
- Courthouse Square issues.
- Road Commission issues.
- Procurement contracts over \$5,000.
- Building safety issues.
- Miscellaneous activities relating to assigned Departments.

The Public Works Committee serves as the Parent Committee for those Departments assigned below:

**Building & Grounds  
Drain Commissioner  
Parks & Recreation  
Register of Deeds Office**

**County Clerk's Office  
Genesee Valley Regional Center  
Purchasing Division - Controller  
Road Commission**

**Special Conditions:**

**Contact Purchasing Department and/or IT Department, if required.**

**If Controller or Prosecuting Attorney – Civil Division approval is required, please see General Instructions#4.**

**Submission Due Dates: Agenda items are due by 4:00 p.m. on the Tuesday prior to the Committee meeting.**

**COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE (C/ED)**

<b>Chair/Vice-Chair:</b>	<b>David Martin/Ellen Ellenburg</b>
<b>Secretary/Stenographer:</b>	<b>Kim Cunningham</b>
<b>Usual Meetings:</b>	<b>Once a month, Monday, 9:30 a.m.</b>

**Community and Economic Development:**

The Community & Economic Development Committee processes Community Development program items, status reports, or other items submitted by the Genesee County Metropolitan Planning Commission.

To the extent not covered in the responsibilities for one of the other Committees, the Community & Economic Development Committee will be responsible for recommendations regarding:

- Items submitted by the Planning Department.
- Communications from the U.S. Department of Housing & Urban Development.
- Miscellaneous activities relating to assigned Departments.

The Community & Economic Development Committee serves as the Parent Committee for those Departments assigned below:

**Genesee County Metropolitan Planning Commission (GCMPC)**  
**Community Development Program**  
**Economic Development Corporation**  
**Land Bank**

**If Controller or Prosecuting Attorney – Civil Division approval is required, please see General Instructions#4.**

**Submission Due Dates:** Agenda items are due by 4:00 p.m. on the Tuesday prior to the Committee meeting.

**BOARD OF COMMISSIONERS (BOC)**

<b>Chair/Vice-Chair:</b>	<b>Mark Young/Drew Shapiro</b>
<b>Official Clerk:</b>	<b>County Clerk/Register's Office</b>
<b>Secretary/Stenographer:</b>	<b>Melissa Bishop</b>
<b>Usual Meetings:</b>	<b>Twice a month, Monday, 9:00 a.m.</b>

**Board of Commissioners Summary:**

The Board of Commissioners usually meets twice a month to give final approval of items approved at Committee. These meetings usually precede the Finance and Human Services Committee meetings. The Board acts through its resolutions. The Office of Prosecuting Attorney – Civil Division prepares resolutions based on the motion adopted at the Committee meeting, or reviews and forwards resolutions proposed by an outside entity. The County Clerk is the statutory keeper of records for the BOC and assigns numbers to each resolution adopted by the Board. Resolution numbers are required by the Purchasing Department when ordering an item that has been approved by the Board. Certified copies of resolutions, sometimes required to be submitted with grant applications, are available through the Clerk's Office.

**Examples of Items Requiring Board Approval:**

- Contracts and agreements.
- Grant applications and awards.
- Any items requiring appropriations.
- Any purchases approved at Public Works Committee.
- Any personnel item approved at a Finance or Governmental Operations Committee.
- Overtime and travel workshop appropriations.
- Appointments.
- Ordinances.

**Agenda Deadlines:**

Items going to the BOC should arise from referrals from the Committee meetings. If an item is to go directly to the BOC, thereby bypassing the Committee, it should be provided to Prosecuting Attorney – Civil Division for preparation of a resolution, and to the Board secretary for inclusion on the agenda as early as possible before the meeting after permission has been obtained from the BOC and Committee chairpersons, and in no event less than 24 hours before the meeting.

Commissioner Bryant W. Nolden moved that the following Resolution, item number B2, as printed on the agenda, be adopted.

Supported by Commissioner Brenda Clack.

Carried

RESOLUTION (17-037)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, by this Board of County Commissioners of Genesee County, Michigan, that the Chairperson of this Board is authorized to execute the "Letter of Intent to Enter into a Purchase Agreement for the Redevelopment of Chevy Commons" and to negotiate final details related to a Purchase Agreement with the City of Flint for the purchase and redevelopment of the property by the Parks Commission (a copy of the proposed Letter of Intent to be placed on file with the minutes of this meeting).

BOARD OF COMMISSIONERS

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Commissioner Shapiro stated that an ad hoc meeting has not been scheduled regarding the Controller search because they have received only a couple of applicants.

Commissioner Drew Shapiro moved that the following Resolution, item number F1, as printed on the agenda, be adopted.

Supported by Commissioner Ted Henry.

Carried

RESOLUTION (17-038)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, that this Board of County Commissioners of Genesee County, Michigan, hereby accepts the Treasurer's Quarterly

Investment Report for the period ending December 31, 2016, submitted pursuant to MCL 129.96(3).

FINANCE COMMITTEE

F013017VIIA

Commissioner Drew Shapiro moved that the following Resolution, item number F2, as printed on the agenda, be adopted.

Supported by Commissioner Bryant W. Nolden.

Carried

RESOLUTION (17-039)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, by this Board of County Commissioners of Genesee County, Michigan, that the request by the Office of Genesee County Sheriff to authorize upgrading a Detective/Sergeant position in the Elder Abuse Financial Exploitation Taskforce to a Lieutenant position, with the accompanying increase in salary to be paid from senior millage funds, is approved (a copy of the memorandum request dated January 4, 2017, being on file with the official records of the January 30, 2017, meeting of the Finance Committee of this Board).

FINANCE COMMITTEE

F013017VIIB

Commissioner Drew Shapiro moved that the following Resolution, item number F3, as printed on the agenda, be adopted.

Supported by Commissioner Ted Henry.

Carried

RESOLUTION (17-040)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

WHEREAS, by resolution 16-524, this Board approved the purchase of an ESRI ArcGIS Server license upgrade by the County on behalf of the Genesee County Road Commission ("GCRC"); and

WHEREAS, the GCRC has made payment in full for the License upgrade to the County in the amount of \$9,000.00.

NOW, THEREFORE, BE IT RESOLVED, by this Board of County Commissioners of Genesee County, Michigan, that the request by the Geographic Information Systems Director to authorize increasing budget line 2255.850 by \$9,000.00 for the purpose of paying for and completing the purchase of the license upgrade on behalf of the GCRC is approved (a copy of the memorandum request dated November 7, 2016, being on file with the official records of the January 30, 2017, meeting of the Finance Committee of this Board).

#### FINANCE COMMITTEE

F013017VIIC

Commissioner Drew Shapiro moved that the following Resolution, item number F4, as printed on the agenda, be adopted.

Supported by Commissioner Bryant W. Nolden.

Carried

#### RESOLUTION (17-041)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, that this Board of County Commissioners of Genesee County, Michigan, ratifies the expedited action taken on January 30, 2017, by the Finance Committee of this Board approving the request by the Parks and Recreation Director to authorize establishing, posting, and filling a Park Project Manager position to be fully funded by the Genesee County Parks and Recreation Commission, with no additional County general fund appropriation required (a copy of the memorandum request dated January 12, 2017, and supporting documents being on file with the official records of the January 30, 2017, meeting of the Finance Committee of this Board).

BE IT FURTHER RESOLVED, that this Board further ratifies the finding that extenuating circumstances exist supporting waiver of the hiring freeze and the directive to the Director of Human Resources to have the necessary personnel position number created, as necessary, for said position and to commence the hiring process so that the position may be filled as soon as practicable in accordance with County policy and any applicable collective bargaining agreement.

#### FINANCE COMMITTEE

F013017VIID

Commissioner Drew Shapiro moved that the following Resolution, item number F5, as printed on the agenda, be adopted.

Supported by Commissioner Ted Henry.

Carried

#### RESOLUTION (17-042)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, by this Board of County Commissioners of Genesee County, Michigan, that the request by the Friend of the Court to authorize eliminating a Financial Assistant position and establishing, posting and filling an Administrative Assistant position within the Friend of the Court office is approved (a copy of the memorandum request dated January 17, 2017, and supporting documents being on file with the official records of the January 30, 2016, meeting of the Finance Committee of this Board).

BE IT FURTHER RESOLVED, that this Board finds that extenuating circumstances exist supporting waiver of the hiring freeze, and directs the Director of Human Resources to have the necessary personnel position number created, as necessary, for said position and to commence the hiring process so that the position may be filled as soon as practicable in accordance with County policy and any applicable collective bargaining agreement.

#### FINANCE COMMITTEE

F013017VIIIE1



Commissioner Drew Shapiro moved that the following Resolution, item number F6, as printed on the agenda, be adopted.

Supported by Commissioner Ted Henry.

Carried

RESOLUTION (17-043)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, by this Board of County Commissioners of Genesee County, Michigan, that the request by the Friend of the Court to authorize purchasing cubicles, furniture, and telephone equipment for the FOC phone center and front counter area, at a total cost not to exceed \$78,477.32, to be wholly reimbursed under the FOC Cooperative Reimbursement Grant with no additional county funding required, is approved (a copy of the memorandum request dated January 17, 2017, being on file with the official records of the January 30, 2017, meeting of the Finance Committee of this Board).

FINANCE COMMITTEE

F013017VIIIE2

Commissioner Drew Shapiro moved that the following Resolution, item number F7, as printed on the agenda, be adopted.

Supported by Commissioner Martin L. Cousineau.

Carried

RESOLUTION (17-044)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, that this Board of County Commissioners of Genesee County, Michigan, ratifies the expedited action taken on January 30, 2017, by the Finance Committee of this Board approving the request by the Health Officer to authorize eliminating a Secretary position and establishing, posting, and filling a Health Technician position within the WIC division (a copy of the memorandum request dated January 23, 2017, and

supporting documents being on file with the official records of the January 30, 2017, meeting of the Finance Committee of this Board).

BE IT FURTHER RESOLVED, that this Board also ratifies the finding that extenuating circumstances exist supporting waiver of the hiring freeze, and the directive to the Director of Human Resources to have the necessary personnel position number created, as necessary, for said position and to commence the hiring process so that the position may be filled as soon as practicable in accordance with County policy and any applicable collective bargaining agreement.

#### FINANCE COMMITTEE

F013017VIIG1

Commissioner Drew Shapiro moved that the following Resolution, item number F8, as printed on the agenda, be adopted.

Supported by Commissioner Ted Henry.

Carried

#### RESOLUTION (17-045)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, that this Board of County Commissioners of Genesee County, Michigan, ratifies the expedited action taken on January 30, 2017, by the Finance Committee of this Board approving the request by the Health Officer to authorize eliminating a Public Health Coordinator position and establishing, posting, and filling a Public Health Emergency Preparedness Program Coordinator position (a copy of the memorandum request dated January 6, 2017, and supporting documents being on file with the official records of the January 30, 2017, meeting of the Finance Committee of this Board).

BE IT FURTHER RESOLVED, that this Board also ratifies the finding that extenuating circumstances exist supporting waiver of the hiring freeze, and the directive to the Director of Human Resources to have the necessary personnel position number created, as necessary, for said position and to commence the hiring process so that the position may be

filled as soon as practicable in accordance with County policy and any applicable collective bargaining agreement.

FINANCE COMMITTEE

F013017VIIG2

Commissioner Drew Shapiro moved that the following Resolution, item number F9, as printed on the agenda, be adopted.

Supported by Commissioner Bryant W. Nolden.

Carried

RESOLUTION (17-046)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, by this Board of County Commissioners of Genesee County, Michigan, that the request by the Animal Control Director to authorize Animal Control applications for grant funding without seeking further approval of this Board due to time constraints that frequently occur with such funding opportunities is approved (a copy of the memorandum request dated January 27, 2017, and supporting documents being on file with the official records of the January 30, 2017, meeting of the Finance Committee of this Board).

BE IT FURTHER RESOLVED, that the acceptance of such grant funding and entry into any agreements related to such grants must still be submitted to this Board for approval and execution.

FINANCE COMMITTEE

F\_\_\_\_\_

Commissioner Henry asked Paul Wallace, Animal Control Director, to address the Board. He asked about the process that is in place for residents to contact Animal Control when they receive a dog license renewal letter and their dog has passed away. Mr. Wallace stated that they can contact the Animal Control office by phone; license letters are sent from the Treasurer's department. Commissioner Henry asked if it was possible to indicate somewhere on the letter that their dog is deceased and, therefore, a renewal is no longer necessary. Deb Cherry, Treasurer, stated that she would check into it.

Commissioner Bryant W. Nolden moved that the following Resolution, item number G1, as printed on the agenda, be adopted.

Supported by Commissioner Kim Courts.

Carried

RESOLUTION (17-047)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, by this Board of County Commissioners of Genesee County, Michigan, that the request by the Drug Court Supervisor to authorize applying for a Bureau of Justice grant, in the amount of approximately \$216,667.00, for the purpose of increasing the Adult Felony Drug Court Program from 50 to 100 participants, said grant requiring an in-kind county match of \$54,167, which will be accounting services provided by the 7<sup>th</sup> Circuit Court not billed to any grant, is approved (a copy of the memorandum request dated January 19, 2017, and supporting documents being on file with the official records of the February 6, 2017, meeting of the Governmental Operations Committee of this Board).

GOVERNMENTAL OPERATIONS COMMITTEE

G020617VIA

Commissioner Bryant W. Nolden moved that the following Resolution, item number G2, as printed on the agenda, be adopted.

Supported by Commissioner Kim Courts.

Carried

RESOLUTION (17-048)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, by this Board of County Commissioners of Genesee County, Michigan, that the request by the Drug Court Supervisor to authorize Judge Mark Latchana, Judge Duncan Beagle, Ronda Judd, Susan Johnson, and Traci Zoldos to attend the Michigan Association of Treatment Court Professionals Conference in Novi, Michigan, March 14 –

15, 2017, at a total cost not to exceed \$1,475, with the cost of attendance being paid from Family Dependency Drug Court Grant funds, is approved (a copy of the memorandum request dated January 19, 2017, and supporting documents being on file with the official records of the February 6, 2017, meeting of the Governmental Operations Committee of this Board).

#### GOVERNMENTAL OPERATIONS COMMITTEE

G020617VIIB

Commissioner Bryant W. Nolden moved that the following Resolution, item number G3, as printed on the agenda, be adopted.  
Supported by Commissioner Ellen Ellenburg. Carried

#### RESOLUTION (17-049)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, by this Board of County Commissioners of Genesee County, Michigan, that the request by the Probate Court Administrator/Register to authorize amending the Professional Services Contract between Genesee County and Genesee Health System for the purpose of extending the Mental Health Court contract an additional year through September 30, 2017, is approved (a copy of the memorandum request dated January 19, 2017, contract amendment, and supporting documents being on file with the official records of the February 6, 2017, meeting of the Governmental Operations Committee of this Board), and the Chairperson of this Board is authorized to execute the contract amendment on behalf of Genesee County.

#### GOVERNMENTAL OPERATIONS COMMITTEE

G020617VIIC

Commissioner Bryant W. Nolden moved that the following Resolution, item number, G4, as printed on the agenda, be adopted.  
Supported by Commissioner Ted Henry. Carried

#### RESOLUTION (17-050)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, that this Board of County Commissioners of Genesee County, Michigan, ratifies the expedited action taken on February 6, 2017, by the Governmental Operations Committee of this Board approving the request by the Office of the Prosecuting Attorney to authorize travel and overnight lodging for up to three employees assigned to the Family Support Division to attend the Establishment of Support Conference in Thompsonville, Michigan, March 22 – 24, 2017, at a total cost not to exceed \$600.00 with no additional County appropriation required (a copy of the memorandum request dated January 30, 2017, being on file with the official records of the February 6, 2017, meeting of the Governmental Operations Committee of this Board).

GOVERNMENTAL OPERATIONS COMMITTEE

G020617VIID

Commissioner Bryant W. Nolden moved that the following Resolution, item number G5, as printed on the agenda, be adopted.

Supported by Commissioner Kim Courts.

Carried

RESOLUTION (17-051)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, by this Board of County Commissioners of Genesee County, Michigan, that the request by the Office of Genesee County Sheriff to authorize accepting the 2014 Hazard Mitigation Grant for the purpose of funding the county-wide siren project, with the county acting as the fiduciary agent for the project, is approved (a copy of the memorandum request dated February 1, 2017, being on file with the

official records of the February 6, 2017, meeting of the Governmental Operations Committee of this Board).

GOVERNMENTAL OPERATIONS COMMITTEE

G020617VIIE

Commissioner Bryant W. Nolden moved that the following Resolution, item number G6, as printed on the agenda, be adopted.

Supported by Commissioner Kim Courts.

Carried

RESOLUTION (17-052)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, that this Board of County Commissioners of Genesee County, Michigan, ratifies the expedited action taken on February 6, 2017, by the Governmental Operations Committee of this Board approving the request by the Chief Information Officer to authorize accepting the AT&T Telecommunications Contract pricing schedule renewal for fax and voice calling services at the McCree Building, with no change in price from the prior monthly recurring charge of \$705.00 (a copy of the memorandum request dated January 31, 2017, and contract being on file with the official records of the February 6, 2017, meeting of the Governmental Operations Committee of this Board).

GOVERNMENTAL OPERATIONS COMMITTEE

G020617VIIF

Commissioner Henry asked Chris Newell, Chief Information Officer, to address the Board. He asked for clarification regarding the Resolution and if the infrastructure of the phone system would be affected. Mr. Newell stated that it was a routine renewal of the contract and it would not affect the system.

Commissioner Bryant W. Nolden moved that the following Resolution, item number G7, as printed on the agenda, be adopted.

Supported by Commissioner Ted Henry.

Carried

RESOLUTION (17-053)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, that this Board of County Commissioners of Genesee County, Michigan, ratifies the expedited action taken on February 6, 2017, by the Governmental Operations Committee of this Board ratifying the Letters of Agreement approved by both AFSCME Local 496 Chapter 01 and AFSCME Local 916 Chapters 01, 02, 03, 04, 08, 09, and 10, said Letters of Agreement being for the purposes of eliminating the first two salary steps for both the Public Health Nursing Supervisor positions and the Public Health Nurse positions, beginning those positions at the current step three salary grade, and providing a \$1,000.00 annual stipend to full-time employees, or a \$500.00 annual stipend to part-time employees, holding those positions if the employee holds a Bachelor of Science in Nursing degree (a copy of the Letters of Agreement to be placed on file with the official records of the February 6, 2017, meeting of the Governmental Operations Committee of this Board).

GOVERNMENTAL OPERATIONS COMMITTEE

G\_\_\_\_\_

Commissioner Brenda Clack moved that the following Resolution, item number H1, as printed on the agenda, be adopted.

Supported by Commissioner Ellen Ellenburg.

Carried

RESOLUTION (17-054)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, by this Board of County Commissioners of Genesee County, Michigan, that the request by the Executive Director of the Genesee County Community Action Resource Department to authorize a lease between Genesee County and Catholic Community of St. Johns and Blessed Sacrament Church (the "Church") whereby the Church will provide space to be used as a Head Start classroom for the period commencing January 4, 2017, through July 31, 2017, is approved (a copy of the memorandum request dated January 30, 2017, and lease being on



file with the official records of the January 30, 2017, meeting of the Human Services Committee of this Board), and the Chairperson of this Board is authorized to sign the lease on behalf of Genesee County.

HUMAN SERVICES COMMITTEE

H013017VIIA2

Commissioner Brenda Clack moved that the following Resolution, item number H2, as printed on the agenda, be adopted.

Supported by Commissioner Ted Henry.

Carried

RESOLUTION (17-055)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, that this Board of County Commissioners of Genesee County, Michigan, ratifies the expedited action taken on January 30, 2017, by the Human Services Committee of this Board approving the request by the Executive Director of Genesee County Community Action Resource Department to authorize submitting a waiver request in the amount of \$120,580.00 for the local match requirement from the Head Start Regional Office for the Supplemental EHS Carryover funding for the 2016-2017 fiscal year (a copy of the memorandum request dated January 30, 2017, and supporting documentation being on file with the official records of the January 30, 2017, meeting of the Human Services Committee of this Board).

HUMAN SERVICES COMMITTEE

H013017VIIA3

Commissioner Brenda Clack moved that the following Resolution, item number H3, as printed on the agenda, be adopted.

Supported by Commissioner Ted Henry.

Carried

RESOLUTION (17-056)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, by this Board of County Commissioners of Genesee County, Michigan, that the request by the Executive Director of the Genesee County Community Action Resource Department ("GCCARD") to authorize the third amendment to the 2010-2011 Oakland Livingston Human Service Agency Head Start Fiscal and Personnel Agreement to reflect the additional 2016-2017 personnel costs for the Great Start Readiness Grant, Michigan Department of Community Health Home Visiting Grant, and Cost of Living Allowance is approved (a copy of the memorandum request dated January 30, 2017, and amendment being on file with the official records of the January 30, 2017, meeting of the Human Services Committee of this Board), and the both the Executive Director of GCCARD and the Chairperson of this Board are authorized to sign the amendment on behalf of Genesee County.

HUMAN SERVICES COMMITTEE

H013017VIIA4

Commissioner Brenda Clack moved that the following Resolution, item number H4, as printed on the agenda, be adopted.

Supported by Commissioner Bryant W. Nolden.

Carried

RESOLUTION (17-057)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, by this Board of County Commissioners of Genesee County, Michigan, that the request by the Executive Director of the Genesee County Community Action Resource Department ("GCCARD") to authorize accepting the Health and Human Services Grant Award in the amount of \$482,317.00 for the Early Head Start Supplemental funding for the period commencing July 1, 2016, through June 30, 2017, is approved (a copy of the memorandum request dated January 30, 2017, and supporting documentation being on file with the official records of the

January 30, 2017, meeting of the Human Services Committee of this Board).

HUMAN SERVICES COMMITTEE

H013017VIIA5

Commissioner Brenda Clack moved that the following Resolution, item number H5, as printed on the agenda, be adopted.

Supported by Commissioner Kim Courts.

Carried

RESOLUTION (17-058)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, by this Board of County Commissioners of Genesee County, Michigan, that the request by the Health Officer to authorize travel and overnight lodging for Suzanne Cupal to attend the Preparedness Summit in Atlanta, Georgia, April 25 – 28, 2017, at a cost not to exceed \$1,400.00 to be paid by the National Association of County and City Health Officials with no county appropriation required, is approved (a copy of the memorandum request dated January 30, 2017, and supporting documents being on file with the official records of the January 30, 2017, meeting of the Human Services Committee of this Board).

HUMAN SERVICES COMMITTEE

H013017VIIB1

Commissioner Brenda Clack moved that the following Resolution, item number H6, as printed on the agenda, be adopted.

Supported by Commissioner Ellen Ellenburg.

Carried

RESOLUTION (17-059)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, by this Board of County Commissioners of Genesee County, Michigan, that the request by the Health Officer to authorize a contract between Genesee County and My Community Dental Centers, Inc. for the purpose of providing dental center services to underserved residents of Genesee County is approved (a copy of the memorandum request dated January 27, 2017, and contract being on file with the official records of the January 30, 2017, meeting of the Human Services Committee of this Board), and the Chairperson of this Board is authorized to sign the contract on behalf of Genesee County.

#### HUMAN SERVICES COMMITTEE

H013017VIIB2

Commissioner Brenda Clack moved that the following Resolution, item number H7, as printed on the agenda, be adopted.

Supported by Commissioner Bryant W. Nolden.

Commissioner Clack gave her personal testimony and stated her support for the Health Department Tobacco Regulation.

Commissioner Shapiro stated he feels that voting yes for the Resolution could put them in a position to go against the law, based on the recent Attorney General's opinion.

Chairperson Young asked Celeste Bell, Chief Assistant Prosecuting Attorney-Civil Division, for clarification. Ms. Bell stated that the Attorney General's opinion is not binding on the Board, but that it applies to other state agencies, like the Department of Health and Human Services.

Dr. Gary Johnson addressed the Board regarding his support for the Health Department Tobacco Regulation, due to potential future health issues.

Commissioner Martin stated that the State of Michigan should step up and legally enforce the regulation.

Commissioner Ellenburg stated her support for the Health Department Tobacco Regulation and that she feels that the County could win if the issue ever went to court.

Commissioner Shapiro stated that he would support pushing legislation for regulation at the state level. He further stated that he understands the health issues, but he wondered why the rush is needed if it isn't going to be implemented until August.

Discussion ensued.

Commissioner Bryant W. Nolden called the question. Commissioner Brenda Clack requested roll call.

Roll Call Vote on Motion:

YEAS: Bryant W. Nolden, Brenda Clack, Ellen Ellenburg, Kim Courts, Mark Young, Martin L. Cousineau, Ted Henry, David W. Martin

NAYS: Drew Shapiro

ABSENT: None

TOTAL VOTES CAST: 9 TOTAL YEAS: 8 TOTAL NAYS: 1

Carried

Roll Call Vote Adopting Resolution:

YEAS: Brenda Clack, Ellen Ellenburg, Kim Courts, Mark Young, Martin L. Cousineau, Ted Henry, Bryant W. Nolden

NAYS: Drew Shapiro, David W. Martin

ABSENT: None

TOTAL VOTES CAST: 9 TOTAL YEAS: 7 TOTAL NAYS: 2

Carried

RESOLUTION (17-060)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, by this Board of County Commissioners of Genesee County, Michigan, that the *Regulation to Prohibit the Sale of Tobacco Products to Individuals Under 21 Years of Age*, a copy of which is attached hereto as adopted on January 24, 2017, by the Genesee County Board of Health, acting on behalf of the Genesee County Health Department, is hereby approved, and the Clerk of this Board is directed to have said Regulation published in a newspaper of general circulation in Genesee County, said Regulation to become effective ninety (90) days after the date of the adoption of this Resolution approving said Regulation (MCL 333.2441).

HUMAN SERVICES COMMITTEE

H013017VIIB3  
Attachment

## GENESEE COUNTY

### REGULATION TO PROHIBIT THE SALE OF TOBACCO PRODUCTS TO INDIVIDUALS UNDER 21 YEARS OF AGE

#### SECTION 1000 – TITLE

This Regulation shall be known as the Regulation to Prohibit the Sale of Tobacco Products to Individuals Under 21 Years of Age.

#### SECTION 1001 – AUTHORITY

This Regulation is adopted pursuant to authority conferred upon local health departments by Section 2441 of the Michigan Public Health Code, Act 368, P.A. of 1978 as amended, Mich. Comp. Laws § 333.2441.

#### SECTION 1002 – JURISDICTION AND ADMINISTRATION

- 1002.1 This Regulation shall have effect throughout Genesee County in all areas incorporated and unincorporated, which includes cities, villages and townships.
- 1002.2 The Health Officer shall have responsibility for administering and enforcing this Regulation, including all amendments hereafter adopted unless otherwise specifically stated.
- 1002.3 Nothing in this Regulation shall be construed to restrict or abrogate the authority of any municipality in Genesee County to adopt more restrictive regulations or ordinances.

#### SECTION 1003 – PURPOSE AND FINDINGS

Genesee County does hereby find:

That tobacco use is the number one cause of preventable death<sup>1</sup> in Michigan<sup>2</sup> and continues to be an urgent public health challenge, as evidenced by the following:

- 16,200 Michigan adults die from smoking-related diseases every year;<sup>3</sup>
- Nearly one in ten Michigan youth who are alive today will die from early from smoking-related diseases;<sup>4, 5, 6</sup>

<sup>1</sup> U.S. Department of Health and Human Services. The Health Consequences of Smoking—50 Years of Progress, A Report of the Surgeon General Executive Summary. Rockville, MD; 2014. <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf>.

<sup>2</sup> CDC. Prevention Status Reports 2013: Tobacco Use—Michigan. Atlanta, GA; 2014. <http://www.cdc.gov/psr/2013/tobacco/2013/mi-tobacco.pdf>.

<sup>3</sup> The Toll of Tobacco in Michigan. Campaign for Tobacco-Free Kids website.

[http://www.tobaccofreekids.org/facts\\_issues/toll\\_us/michigan](http://www.tobaccofreekids.org/facts_issues/toll_us/michigan). Accessed October 26, 2016.

<sup>4</sup> According to the Campaign for Tobacco Free Kids, 213,000 kids now under 18 and alive in Michigan will die prematurely from smoking. The U.S. Census estimates that in 2014 there were approximately 2,344,068 Michigan youth under age 18. More than

- Tobacco use can cause disease in nearly all organ systems and is responsible for 87% of lung cancer deaths, 79% of all chronic obstructive pulmonary disease deaths, and 32% of coronary heart disease deaths;<sup>7</sup> and

That every year, smoking costs Michigan nearly \$9.4 billion dollars in direct healthcare expenses and lost productivity;<sup>8</sup> and

That a Community Health Needs Assessment for Genesee County identified Tobacco Free Living (Anti-Smoking) as one of the 6 major health needs for residents of Genesee County;<sup>9</sup> and

That in a survey conducted between 2013 and 2014, 29.4% of residents in Genesee County reported that they smoked every day;<sup>10</sup> and

That in 2014, 22% of mothers in Genesee County smoked during pregnancy compared to 18% of mothers generally in Michigan;<sup>11</sup> and

That nearly 95% of people who smoke start by age 21;<sup>12</sup> and

That individuals who begin smoking at an early age are more likely to develop a severe addiction to nicotine than those who start at a later age;<sup>13, 14</sup> and

That the younger people start smoking, the greater their risk of many adverse health outcomes, such as hospitalizations and lifetime risk of respiratory disease, chronic obstructive pulmonary disease, and lung cancer;<sup>15</sup> and

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one in ten was calculated by dividing the number of youth who will die prematurely (213,000) by the number of youth under age 18 in Michigan (2,344,068).

<sup>5</sup> U.S. Census Bureau, Population Division. Annual Estimates of the Resident Population for Selected Age Groups by Sex for the United States, States, Counties, and Puerto Rico Commonwealth and Municipios: April 1, 2010 to July 1, 2014. U.S. Census Bureau website. <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>. Accessed October 26, 2016.

<sup>6</sup> The Toll of Tobacco in Michigan. Campaign for Tobacco-Free Kids website. [http://www.tobaccofreekids.org/facts\\_issues/toll\\_us/michigan](http://www.tobaccofreekids.org/facts_issues/toll_us/michigan). Accessed October 26, 2016.

<sup>7</sup> The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. U.S. Department of Health & Human Services website. <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/fact-sheet.html>. Accessed October 26, 2016.

<sup>8</sup> The Toll of Tobacco in Michigan. Campaign for Tobacco-Free Kids website. [http://www.tobaccofreekids.org/facts\\_issues/toll\\_us/michigan](http://www.tobaccofreekids.org/facts_issues/toll_us/michigan). Accessed September 28, 2016.

<sup>9</sup> 2012 Community Health Needs Assessment for the Genesee County/City of Flint Community. Flint, Michigan: Greater Flint Health Coalition; 2012. [http://gfhc.org/wp-content/uploads/2015/07/GR-81815-UPDATED.FINAL\\_chna\\_narrative.061813tc.pdf](http://gfhc.org/wp-content/uploads/2015/07/GR-81815-UPDATED.FINAL_chna_narrative.061813tc.pdf).

<sup>10</sup> Speak To Your Health! Community Survey. Genesee County, MI: Prevention Research Center of Michigan; 2013. <http://speak.gchd.us/wp-content/uploads/2016/10/2013-Community-Survey-Results-Tables.pdf>.

<sup>11</sup> Community Health Information—Nativity: Characteristics of the Mother or Infant, as a Percentage of Live Births Genesee County and Michigan Residents, 2014. Michigan Department of Health & Human Services Website. Lansing, Michigan: MDHHS; 2016. <http://www.mdch.state.mi.us/pha/osr/Chi/births14/frameBxChar.html>.

<sup>12</sup> Increasing the Minimum Legal Sale Age for Tobacco Products. Campaign for Tobacco-Free Kids website. <http://www.tobaccofreekids.org/research/factsheets/pdf/0376.pdf>.

<sup>13</sup> U.S. Department of Health and Human Services. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General; 2012. <http://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf>.

<sup>14</sup> Institute of Medicine. Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products. (Bonnie RJ, Stratton K, Kwan LY, eds.). Washington D.C.; 2015. <https://www.nap.edu/catalog/18997/public-health-implications-of-raising-the-minimum-age-of-legal-access-to-tobacco-products>.

That Genesee County has the 5<sup>th</sup> highest number of public schools in Michigan, with 147 public schools altogether serving 68,768 youth;<sup>16</sup> and

That tobacco use continues to be a significant public health concern for high school students as evidenced by:

- 35.8% of Michigan high school students who report they have tried cigarettes;<sup>17</sup> and

That the majority of youth under age 18 obtain tobacco through social sources<sup>18</sup> as evidenced by:

- 48.0% of Genesee County high school students, including 58.9% of 11<sup>th</sup> graders, who report easy access to cigarettes;<sup>19</sup>
- 15.6% of Genesee County high school students who smoke usually give someone money to purchase their cigarettes;<sup>20</sup>
- 26.2% of Genesee County high school students who smoke usually receive their cigarettes by asking someone they know for them;<sup>21</sup>
- 8.4% of Genesee County high school students who smoke usually get their cigarettes from someone 18 years or older;<sup>22</sup> and

That youth obtain cigarettes in two ways: commercially (from a store or vending machine) and socially (borrowing, buying, or stealing them from other youth or adults);<sup>23</sup> and

<sup>15</sup> Institute of Medicine. *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*. (Bonnie RJ, Stratton K, Kwan LY, eds.). Washington D.C.; 2015. <https://www.nap.edu/catalog/18997/public-health-implications-of-raising-the-minimum-age-of-legal-access-to-tobacco-products>.

<sup>16</sup> Michigan Public Schools. Public School Review website. <http://www.publicschoolreview.com/michigan>. Accessed October 26, 2016.

<sup>17</sup> 2013 Youth Risk Behavior Survey Results. Michigan.gov website. [http://www.michigan.gov/documents/mde/ml\\_comp\\_US\\_2013\\_459014\\_7.pdf](http://www.michigan.gov/documents/mde/ml_comp_US_2013_459014_7.pdf). Accessed October 26, 2016.

<sup>18</sup> Institute of Medicine. *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*. (Bonnie RJ, Stratton K, Kwan LY, eds.). Washington D.C.; 2015. <https://www.nap.edu/catalog/18997/public-health-implications-of-raising-the-minimum-age-of-legal-access-to-tobacco-products>.

<sup>19</sup> Michigan School Health Survey System, *Michigan Profile for Healthy Youth: 2015-2016 Genesee, MiPHY Regional Demographics Summary High School*. Lansing, MI: Michigan Department of Education <https://mdoe.state.mi.us/schoolhealthsurveys/ExternalReports/CountyReportGeneration.aspx>.

<sup>20</sup> Michigan School Health Survey System, *Michigan Profile for Healthy Youth: 2015-2016 Genesee, MiPHY Regional Demographics Summary High School*. Lansing, MI: Michigan Department of Education <https://mdoe.state.mi.us/schoolhealthsurveys/ExternalReports/CountyReportGeneration.aspx>.

<sup>21</sup> Michigan School Health Survey System, *Michigan Profile for Healthy Youth: 2015-2016 Genesee, MiPHY Regional Demographics Summary High School*. Lansing, MI: Michigan Department of Education <https://mdoe.state.mi.us/schoolhealthsurveys/ExternalReports/CountyReportGeneration.aspx>.

<sup>22</sup> Michigan School Health Survey System, *Michigan Profile for Healthy Youth: 2015-2016 Genesee, MiPHY Regional Demographics Summary High School*. Lansing, MI: Michigan Department of Education <https://mdoe.state.mi.us/schoolhealthsurveys/ExternalReports/CountyReportGeneration.aspx>.

<sup>23</sup> Lenk KM, Toomey TL, Shi Q, Erickson DJ, Forster JL. Do sources of cigarettes among adolescents vary by age over time? *J Child Adolesc Subst Abuse*. 2014;23(2):137–143. doi:10.1080/1067828X.2012.750972.



That Genesee County's black and Latino high school students are more likely than white students to buy their cigarettes from stores (27.3% of black students and 35.3% of Latino students versus 18.4% of white students);<sup>24</sup> and

That the closer youth are to age 18, the easier it is for them to buy tobacco products from retailers<sup>25</sup> as evidenced by:

- The percentage of Genesee County high school students who usually buy their cigarettes from stores more than triples between 9<sup>th</sup> and 11<sup>th</sup> grade (8.9% of 9<sup>th</sup> graders usually buy their cigarettes from stores versus 28.8% of 11<sup>th</sup> graders);<sup>26</sup> and

That studies have shown that young adults between ages 18 and 20 are more likely than adults over the age of 21 to purchase tobacco for minors;<sup>27, 28</sup> and

That raising the minimum legal age of access reduces the ability for youth under age 18 to appear legally old enough to buy tobacco products and decreases the probability that nonsmoking youth will have social contact and networks that contain smokers;<sup>29</sup> and

That the Institute of Medicine found that raising the minimum legal age of access to 21 will likely delay initiation and reduce tobacco prevalence across all ages with the largest proportionate reduction in initiation likely occurring among adolescents of ages 15-17;<sup>30</sup> and

That most individuals transition from experimental to regular smoking before age 21,<sup>31, 32</sup> and

That tobacco companies target young adults between the ages of 18 to 24 to increase the frequency with which they use tobacco products to encourage them to transition into habitual users;<sup>33</sup> and

<sup>24</sup> Michigan School Health Survey System, *Michigan Profile for Healthy Youth: 2015-2016 Genesee, MIPHY Regional Demographics Summary High School*. Lansing, MI: Michigan Department of Education <https://mdoe.state.mi.us/schoolhealthsurveys/ExternalReports/CountyReportGeneration.aspx>.

<sup>25</sup> Institute of Medicine. *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*. (Bonnie RJ, Stratton K, Kwan LY, eds.). Washington D.C.; 2015. <https://www.nap.edu/catalog/18997/public-health-implications-of-raising-the-minimum-age-of-legal-access-to-tobacco-products>.

<sup>26</sup> Michigan School Health Survey System, *Michigan Profile for Healthy Youth: 2015-2016 Genesee, MIPHY Regional Demographics Summary High School*. Lansing, MI: Michigan Department of Education <https://mdoe.state.mi.us/schoolhealthsurveys/ExternalReports/CountyReportGeneration.aspx>.

<sup>27</sup> White MM, Gilpin EA, Emery SL, Pierce JP. Facilitating adolescent smoking: Who provides the cigarettes? *Am J Heal Promot*. 2005;19(5):355-360. <https://www.scopus.com/record/display.uri?eid=2-s2.0-18244392189&origin=inward&txid=8ED4198F4CA2196C39F2C1AD8E0437F5.wsnAw8kcdt7PYLO0V48gA%3a2>.

<sup>28</sup> DiFranza JR, Coleman M. Sources of tobacco for youths in communities with strong enforcement of youth access laws. *Tob Control*. 2001;10(4):323-328. doi:10.1136/tc.10.4.323.

<sup>29</sup> Institute of Medicine. *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*. (Bonnie RJ, Stratton K, Kwan LY, eds.). Washington D.C.; 2015. <https://www.nap.edu/catalog/18997/public-health-implications-of-raising-the-minimum-age-of-legal-access-to-tobacco-products>.

<sup>30</sup> Institute of Medicine. *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*. (Bonnie RJ, Stratton K, Kwan LY, eds.). Washington D.C.; 2015. <https://www.nap.edu/catalog/18997/public-health-implications-of-raising-the-minimum-age-of-legal-access-to-tobacco-products>.

<sup>31</sup> Increasing the Minimum Legal Sale Age for Tobacco Products. Campaign for Tobacco-Free Kids website. <http://www.tobaccofreekids.org/research/factsheets/pdf/0376.pdf>. Accessed October 26, 2016.

<sup>32</sup> U.S. Department of Health and Human Services. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General; 2012. <http://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf>.

That studies by tobacco companies have recognized that if “a man has never smoked by the age of 18, the odds are three-to-one he never will. By age 24, the odds are twenty-to-one;”<sup>34</sup> and

That studies by tobacco companies have acknowledged that if they do not capture new users by their early 20s, it is unlikely that they ever will;<sup>35</sup> and

That the tobacco industry knows that raising the minimum age to 21 will hurt sales and has historically worked to lower tobacco minimum legal age laws from 21 to 18;<sup>36</sup> and

That a Philip Morris report has concluded that “[r]aising the legal minimum age for cigarette purchaser to 21 could gut our key young adult market;”<sup>37</sup> and

That research has repeatedly found that raising the minimum age of access is an effective strategy for reducing tobacco use among youth and young adults as evidenced by:

- Research that overwhelmingly demonstrated minimum legal drinking age laws decreased alcohol consumption rates in the United States, especially among youth and young adults;<sup>38</sup>
- An evaluation of Needham, MA’s law raising the minimum tobacco sales age to 21 found that within five years the prevalence of youth smoking reduced by nearly half (12.9% in 2006 versus 6.7% in 2010);<sup>39</sup>
- The Institute of Medicine found that a nationwide law raising the minimum age of legal access to 21 would save almost a quarter of a million lives of people born between 2000 and 2019;<sup>40</sup> and

That raising the minimum age of purchase may also address racial and ethnic inequities as communities of color are more likely to begin smoking after age 18;<sup>41, 42, 43</sup> and

<sup>33</sup> Ling PM, Glantz S a. Why and how the tobacco industry sells cigarettes to young adults: evidence from industry documents. *Am J Public Health*. 2002;92(6):908-916.

<http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=1447481&tool=pmcentrez&rendertype=abstract>.

<sup>34</sup> D.S. Burrows. RJ Reynolds; Minnesota Lawsuit. September 20, 1982. Estimated Change in Industry Trend Following Federal Excise Tax Increase. UCSF Library Truth Tobacco Industry Documents website.

<https://www.industrydocumentslibrary.ucsf.edu/tobacco/docs/nnnw0084>. Accessed October 26, 2016.

<sup>35</sup> Philip Morris. January 21, 1986. Discussion Draft Sociopolitical Strategy. UCSF Library Truth Tobacco Industry Documents website. <https://www.industrydocumentslibrary.ucsf.edu/tobacco/docs/#id=zsw0127>. Accessed October 26, 2016. See also D.S. Burrows. RJ Reynolds; Minnesota Lawsuit. September 20, 1982. Estimated Change in Industry Trend Following Federal Excise Tax Increase. UCSF Library Truth Tobacco Industry Documents website.

<sup>36</sup> Apollonio; DE, Stanton A. Glantz. Minimum Ages of Legal Access for Tobacco in the United States From 1863 to 2015. *Am J Public Health*. 2016;106(7):1200-1207. doi:10.2105/AJPH.2016.303172.

<sup>37</sup> Philip Morris. January 21, 1986. Discussion Draft Sociopolitical Strategy. UCSF Library Truth Tobacco Industry Documents website. <https://www.industrydocumentslibrary.ucsf.edu/tobacco/docs/#id=zsw0127>. Accessed October 26, 2016.

<sup>38</sup> Wagenaar AC, Toomey TL. Effects of minimum drinking age laws: Review and analyses of the literature from 1960 to 2000. *J Stud Alcohol*. 2002;S14:206-225. doi:10.15288/jsas.2002.s14.206.

<sup>39</sup> Schneider SK, Buka SL, Dash K, Winickoff JP. Community reductions in youth smoking after raising the minimum tobacco sales age to 21. *Tob Control*. 2015. doi:10.1136/tobaccocontrol-2014-052207.

<sup>40</sup> Institute of Medicine. *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*. (Bonnie RJ, Stratton K, Kwan LY, eds.). Washington D.C.; 2015. <https://www.nap.edu/catalog/18997/public-health-implications-of-raising-the-minimum-age-of-legal-access-to-tobacco-products>.

<sup>41</sup> Freedman KS, Nelson NM, Feldman LL. Smoking initiation among young adults in the United States and Canada, 1998-2010: A systematic review. *Prev Chronic Dis*. 2012;9(5):E05. doi:10.5888/pcd9.110037.

That fines are one way to increase retailers' awareness of tobacco control policies, which may make it more likely they will comply with the law and increase the number of retailers who refuse to sell tobacco to youth;<sup>44</sup> and

That as of September 27, 2016, at least 200 jurisdictions in 14 states have laws raising the minimum legal sale age for tobacco products to 21;<sup>45</sup> and

That nationally, 70.5% of people, including 57.8% of people who currently smoke, support raising the minimum age of legal access to 21;<sup>46</sup> and

That the minimum sale age for alcohol in Michigan is 21 years of age, and persons under 21 years of age have visibly different drivers' licenses.<sup>47</sup> Raising the minimum sale age for tobacco would streamline identification checks and would establish a uniform age for the purchase of both products; and  
That tobacco use is a particularly important public health problem facing Genesee County, especially tobacco use among youth, as evidenced by local data; and

That a prohibition on the sale of tobacco products to individuals under 21 is a local solution to the public health problems facing Genesee County; and

That solutions to public health problems can effectively be addressed at the local level, and in many cases local control advances the protection of public health in the local community; and

That the Michigan Supreme Court has ruled that "the [Michigan] Legislature has expressly placed the affirmative duty on local health departments to take measures to safeguard human health,"<sup>48</sup> and

That the Michigan Supreme Court has held that local health departments may adopt regulations to properly safeguard public health;<sup>49</sup> and

That the Michigan Supreme Court has emphasized that the Public Health Code is to be "liberally construed for the protection of the health, safety, and welfare of the people of this state."<sup>50</sup>

<sup>42</sup> Bauer UE. Understanding the African American "Smoker" *Nicotine Tob Res.* 2016;18(Suppl. 1):S7-S10. doi:10.1093/ntr/ntv192.

<sup>43</sup> Trinidad DR, Gilpin EA, Lee L, Pierce JP. Has there been a delay in the age of regular smoking onset among African Americans? *Ann Behav Med.* 2004;28(3):152-157. <http://escholarship.org/uc/item/3v37f9n8#>.

<sup>44</sup> Lantz PM, Jacobson PD, Warner KE, et al. Investing in youth tobacco control: A review of smoking prevention and control strategies. *Tob Control.* 2000;9:47-63. doi:10.1136/tc.9.1.47.

<sup>45</sup> States and Localities That Have Raised the Minimum Legal Sale Age for Tobacco Products to 21. Campaign for Tobacco-Free Kids website. [https://www.tobaccofreekids.org/content/what\\_we\\_do/state\\_local\\_issues/sales\\_21/states\\_localities\\_MLSA\\_21.pdf](https://www.tobaccofreekids.org/content/what_we_do/state_local_issues/sales_21/states_localities_MLSA_21.pdf). Accessed October 26, 2016.

<sup>46</sup> Winickoff J, McMillen R, Tanski S. Public support for raising the age of sale for tobacco to 21 in the United States. *Tob Control.* 2015;1-6. doi:10.1136/tobaccocontrol-2014-052126.

<sup>47</sup> Mich. Comp. Laws § 28.292(4) (2016).

<sup>48</sup> *McNeil v. Charlevoix Cty.*, 772 N.W.2d 18, 27 (2009) (interpreting Mich. Comp. Laws § 333.2433(1) (2016)) (emphasis omitted).

<sup>49</sup> *McNeil v. Charlevoix Cty.*, 772 N.W.2d 18, 23 (2009) (citing Mich. Comp. Laws §§ 333.2433(2)(a) (2016), 333.2435(d) (2016) 333.2441(1) (2010)).

<sup>50</sup> *McNeil v. Charlevoix Cty.*, 484 Mich. 69, 78, 772 N.W.2d 18, 23 (2009) (citing Mich. Comp. Laws § 333.1111(2) (2016)).

Therefore, this Regulation is adopted to safeguard the public health by prohibiting the sale of tobacco products to individuals under 21 years of age.

#### **SECTION 1004 – DEFINITIONS**

- 1004.1 "Person" means an individual, partnership, corporation, governmental entity, receiver, trustee, assignee, or any other legal entity.
- 1004.2 "Public Health Code" means the Public Health Code of Michigan, Act 368, P.A. 1978, as amended (Mich. Comp. Laws § 333.1101 et seq; Mich. Comp. Laws Ann. § 14.15(1101) et seq.).
- 1004.3 "Tobacco License and Sales to Minors Regulation" means that certain Regulation to Require License for Retail Sale of Tobacco and to Prohibit the Sale of Tobacco to Minors, adopted by Genesee County on November 16, 1993 and made effective on February 14, 1994.
- 1004.4 "Tobacco Paraphernalia" means any item designed for the consumption, use, or preparation of tobacco products.
- 1004.5 "Tobacco Product" means
- (a) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and
  - (b) any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to an electronic cigarette, electronic cigar, electronic pipe, or electronic hookah.
  - (c) Notwithstanding any provision of subsections (a) and (b) to the contrary, "tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

#### **SECTION 1005 – PROHIBITION OF THE SALE OF TOBACCO PRODUCTS AND TOBACCO PARAPHERNALIA TO INDIVIDUALS UNDER 21 YEARS OF AGE**

- 1005.1 No person shall sell, give, or furnish any tobacco product or tobacco paraphernalia to an individual under 21 years of age.
- 1005.2 Subsection 1005.1 shall not apply to:
- (a) A transportation company as defined in Public Act 327 of 1993 as amended (Mich. Comp. Laws § 205.422), provided the transportation company holds a

valid state license issued pursuant to Public Act 327 of 1993 as amended (Mich. Comp. Laws § 205.421 et seq.)

- (b) A vending machine operator as defined in Public Act 327 of 1993 as amended (Mich. Comp. Laws § 205.422), provided the vending machine operator holds a valid state license issued pursuant to Public Act 327 of 1993 as amended (Mich. Comp. Laws § 205.421 et seq.)

- 1005.3 Any person who is not subject to the restrictions in Subsection 1005.1 (pursuant to Subsection 1005.2) shall not sell, give, or furnish any tobacco product or tobacco paraphernalia to an individual under 18 years of age.

#### **SECTION 1006 – SIGN REQUIREMENT**

- 1006.1 Any person who sells tobacco products or tobacco paraphernalia at retail, and who is subject to the sign requirement set forth in Public Act 31 of 1915 as amended (Mich. Comp. Laws § 722.641 et seq.), shall post the sign required by that Act.
- 1006.2 In addition to any applicable sign requirement in Subsection 1006.1, a person who sells tobacco products or tobacco paraphernalia at retail shall post a sign which includes the following statement:
- “Genesee County prohibits the sale of tobacco products to any person under 21 years of age.”
- This sign shall be posted in a conspicuous place:
- (1) Adjacent to any sign required by Subsection 1006.1 if applicable; or
  - (2) At or near every point of sale and every display of tobacco products or tobacco paraphernalia if the sign requirement in Subsection 1006.1 does not apply.
- 1006.3 The sign required under Subsection 1006.2 shall be at least 5- ½ inches by 8- ½ inches. The statement required under Subsection 1006.2 shall be clear and conspicuous and shall be printed in boldfaced type no smaller than 36-point.

#### **SECTION 1007 – IDENTIFICATION REQUIREMENT**

A person shall not sell, give, or furnish a tobacco product or tobacco paraphernalia to an individual who appears to be under 27 years of age without first examining the identification of the individual to confirm that the individual is at least 21 years of age. The identification must be a document issued by a federal, state, or municipal government, or subdivision or agency thereof, that includes a photo and the date of birth of the individual.

#### **SECTION 1008 – ENFORCEMENT GENERALLY**

A person shall not be assessed a penalty under both this Regulation and the Tobacco License and Sales to Minors Regulation for a single, specific violation of this Regulation based on the same facts or specific incident.

**SECTION 1009 – PENALTY FOR VIOLATION**

A person who violates any provision of this Regulation is guilty of a misdemeanor, as provided in Section 2443 of the Public Health Code, Mich. Comp. Laws § 333.2443. In the case of continuing violations, each day's violation shall constitute a separate offense.

**SECTION 1010 – SCHEDULE OF MONETARY CIVIL PENALTIES**

- 1010.1 Under authority of Section 2461 of the Public Health Code, the following schedule of monetary civil penalties is adopted:
- (1) Any person who violates any provision of this Regulation shall be assessed a monetary civil penalty of Fifty Dollars (\$50.00) for the first violation within the tobacco retailer license period.
  - (2) Any person who violates any provision of this Regulation shall be assessed a monetary civil penalty of One Hundred Dollars (\$100.00) for the second violation within the tobacco retailer license period.
  - (3) Any person who violates any provision of this Regulation shall be assessed a monetary civil penalty of Two Hundred Dollars (\$200.00) for the third violation within the tobacco retailer license period.
  - (4) Each day that a violation exists shall be deemed as a separate violation.
- 1010.2 A civil penalty may be appealed to the Health Department within 20 days of receipt of the citation, in accordance with Section 2462 of the Public Health Code. A civil penalty is payable to the Genesee County Health Department and shall be deposited with the Genesee County Treasurer.
- 1010.3 If applicable, an unpaid civil penalty shall be assessed against a tobacco retailer in addition to the regular license fee for the next licensing period.

**SECTION 1011 – APPEARANCE TICKETS**

The Health Officer and his/her designees are hereby designated as public servants authorized to issue and serve appearance tickets, in accordance with Section 2463 of the Public Health Code, for violations of this Regulation.

**SECTION 1012 – INJUNCTIVE PROCEEDINGS**

Notwithstanding the existence and pursuit of any other remedy, the Health Officer or his/her designee, without posting bond, may maintain an action in a court of competent jurisdiction for an injunction or other process against any person to restrain or prevent a violation of this Regulation.

**SECTION 1013 – OTHER LAWS; CONFLICT**

To the extent that any provision in Sections 1006 or 1007 of this Regulation is more restrictive than or in conflict with Sections 1006 or 1007 of the Tobacco License and Sales to Minors Regulation, the provision in this Regulation shall apply.

**SECTION 1014 – SEVERABILITY**

If any provision, clause, sentence, or paragraph of this Regulation or the application thereof to any person or circumstance shall be held to be invalid, such invalidity shall not affect the provisions of this Regulation which can be given effect without the invalid provision or application, and to this end the provisions are declared to be severable.

**SECTION 1015 – EFFECTIVE DATE**

This Regulation shall take effect ninety (90) days from and after the date of its approval by the Genesee County Board of Commissioners.

Commissioner Ted Henry moved that the following Resolution, item number P1, as printed on the agenda, be adopted.

Supported by Commissioner Kim Courts.

Roll Call Vote on Motion:

YEAS: Ellen Ellenburg, Kim Courts, Mark Young, Drew Shapiro, Martin L. Cousineau, Ted Henry, David W. Martin, Bryant W. Nolden, Brenda Clack

NAYS: None

ABSENT: None

TOTAL VOTES CAST: 9 TOTAL YEAS: 9 TOTAL NAYS: None

Carried

RESOLUTION (17-061)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, that this Board of County Commissioners of Genesee County, Michigan, ratifies the expedited action taken on February 6, 2017, by the Public Works Committee of this Board approving the request by the Clerk/Register to accept the quote received from Printing Systems, Inc. to print the ballots for the county's May and August 2017 elections (a copy of the memorandum request dated February 2, 2017, and supporting documents being on file with the official records of the February 6, 2017, meeting of the Public Works Committee of this Board).

PUBLIC WORKS COMMITTEE

P020617VIA

Commissioner Ted Henry moved that the following Resolution, item number P2, as printed on the agenda, be adopted.

Supported by Commissioner Bryant W. Nolden.

Carried



RESOLUTION (17-062)

At a regular meeting of the Board of Commissioners of the County of Genesee held on \_\_\_\_\_, 2017.

PRESENT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_  
\_\_\_\_\_

The following resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_:

RESOLUTION RE: Misteguay Creek Intercounty Drain Note, Series 2015

WHEREAS, proceedings have been taken by the Drainage Board for the Misteguay Creek Intercounty Drain for improvements to the Misteguay Creek Intercounty Drain (the "Project") pursuant to a petition filed with the Saginaw County Public Works Commissioner under the provisions of Chapter 8 of the Drain Code of 1956, as amended (the "Drain Code"); and

WHEREAS, in order to refinance a note previously issued by the Misteguay Creek Intercounty Drain Drainage District (the "Drainage District") in the principal amount of \$800,000 to pay for certain preliminary costs of acquiring and constructing the Project, the Drainage District issued a note on October 14, 2015 designated "Misteguay Creek Intercounty Drain Note, Series 2015" (the "Note") in the principal amount of \$800,000, bearing interest at a rate of 1.49% per annum, and now maturing on March 1, 2017, in anticipation of bonds (the "Bonds") to be issued by the Drainage District to provide the permanent financing for the Project; and

WHEREAS, 17.0% of the cost of the Project has been apportioned by the Drainage Board to the County of Genesee (the "County"), 43.0% of such cost has been apportioned by the Drainage Board to the County of Saginaw and 40.0% of such cost has been apportioned by the Drainage Board to the County of Shiawassee; and

WHEREAS, by resolution adopted by the Board of Commissioners of the County of Genesee on July 20, 2015, the County of Genesee pledged its limited tax full faith and credit to the prompt payment of 17% of the principal of and interest on the Note when due; and

WHEREAS, the Bonds will not be issued on or before March 1, 2017 and as a result, at the request of the Drainage Board, the purchaser of the Note has agreed to extend the maturity date of the Note from March 1, 2017 to September 1, 2018, bearing interest at a new rate of 1.89% per annum, provided that the County of Genesee, the County of Saginaw and the County of Shiawassee each pledge its limited tax full faith and credit to the Note as extended to the extent that the cost of the Project has been apportioned to each such county; and

WHEREAS, the Project is necessary to protect and preserve the public health and it is in the best interest of the County of Genesee that the maturity date of the Note be extended to September 1, 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF GENESEE:

1. Pursuant to the authorization provided in Section 434 of the Drain Code, the Genesee County Board of Commissioners, by a 2/3 vote of its members, does hereby irrevocably pledge the limited tax full faith and credit of the County of Genesee for the prompt payment of 17.0% of the principal of and interest on the Note when due on September 1, 2018, and does agree that in the event that the Bonds are not issued prior to September 1, 2018 and that moneys are not otherwise available to the Drainage District on such date to pay such principal and interest, the County Treasurer is directed to immediately make such advancement from general funds of the County to the extent necessary to pay the County's share of the principal of and interest on the Note when due. The ability of the County to levy taxes to pay its share of the

principal of and interest on the Note shall be subject to constitutional and statutory limitations on the taxing power of the County.

2. In the event that, pursuant to said pledge of full faith and credit, the County of Genesee advances out of County funds, any part of the principal of and interest due on the Note, it shall be the duty of the County Treasurer, for and on behalf of the County of Genesee, to take all actions and proceedings and pursue all remedies permitted or authorized by law for the reimbursement of such sums so paid.

3. This resolution shall become effective only if the Board of Commissioners of the County of Saginaw and the Board of Commissioners of the County of Shiawassee each adopt a resolution substantially in the form of this resolution that pledges the limited tax full faith and credit of each respective county to the payment of the principal of and interest on the Note when due on September 1, 2018 to the extent of its apportioned share of the cost of the Project.

4 All resolutions and part of resolutions, insofar as the same may be in conflict with the provisions of this resolution, are hereby rescinded.

ADOPTED: Yeas: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Nays: \_\_\_\_\_  
 \_\_\_\_\_

P020617VIIB

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STATE OF MICHIGAN       )  
                                      ) SS  
COUNTY OF GENESEE)

I, the undersigned, the duly qualified and acting County Clerk of the County of Genesee, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by a 2/3 vote of the members of the Genesee County Board of Commissioners at a regular meeting of said Board of Commissioners held on \_\_\_\_\_, 2017, the original of which is on file in my office.

I further certify that notice of the meeting was given in accordance with the Open Meetings Act.

\_\_\_\_\_  
County Clerk  
County of Genesee

Commissioner Ted Henry moved that the following Resolution, item number P3, as printed on the agenda, be adopted.

Supported by Commissioner Kim Courts.

Carried

RESOLUTION (17-063)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, by this Board of County Commissioners of Genesee County, Michigan, that the request by the Drain Commissioner to authorize the Third Amendment to Agreement Re: Costs of Implementation of Phase II Storm Water Regulations between Genesee County and the Board of County Road Commissioners of the County Agency for the purpose of meeting the Phase II Storm Water Regulations is approved (a copy of the memorandum request dated January 18, 2017, and contract amendment being on file with the official records of the February 6, 2017, meeting of the Public Works Committee of this Board), and the Drain Commissioner is authorized to execute the contract amendment on behalf of Genesee County.

PUBLIC WORKS COMMITTEE

P020617VIIC

Commissioner Ted Henry moved that the following Resolution, item number P4, as printed on the agenda, be adopted.

Supported by Commissioner Martin L. Cousineau.

Carried

RESOLUTION (17-064)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, by this Board of County Commissioners of Genesee County, Michigan, that the request by the Assistant Controller to authorize acceptance of the low bids for 2017 model year vehicles is

approved (a copy of the memorandum request dated February 6, 2017, and supporting documentation being on file with the official records of the February 6, 2017, meeting of the Public Works Committee of this Board).

PUBLIC WORKS COMMITTEE

P020617VIID

Commissioner Ted Henry moved that the following Resolution, item number P5, as printed on the agenda, be adopted.

Supported by Commissioner Bryant W. Nolden.

Carried

(Motion carried 8-1 with Commissioner Shapiro voting no.)

RESOLUTION (17-065)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, that this Board of County Commissioners of Genesee County, Michigan, ratifies the expedited action taken on February 6, 2017, by the Public Works Committee of this Board authorizing travel and overnight lodging for the Commissioners to attend the 2017 MAC Conference in Lansing, Michigan.

PUBLIC WORKS COMMITTEE

P\_\_\_\_\_

Commissioner Shapiro stated that he will be paying for his own way to the conference.

Commissioner Ted Henry moved that the following Resolution, item number P6, as printed on the agenda, be adopted.

Supported by Commissioner Bryant W. Nolden.

Carried

RESOLUTION (17-066)

TO THE HONORABLE CHAIRPERSON AND MEMBERS OF THE  
GENESEE COUNTY BOARD OF COMMISSIONERS, GENESEE  
COUNTY, MICHIGAN

LADIES AND GENTLEMEN:

BE IT RESOLVED, that this Board of County Commissioners of Genesee County, Michigan, authorizes Building and Grounds Director Ray Zanke to replace the carpet in the Commissioners' offices and to create an uncarpeted, hard surface at the entrance to the Board office suite.

PUBLIC WORKS COMMITTEE

P\_\_\_\_\_

Commissioner Henry stated that the subcommittee met last Thursday and was given an update on GVRC. He further stated that the list of space and structures keeps growing. He requested that the subcommittee members only meet again on Thursday and that he will post the time.

UNFINISHED BUSINESS: None

NEW AND MISCELLANEOUS BUSINESS: None

OTHER BUSINESS: None

ADJOURNMENT:

There being no objection from any member of the Board, Chairperson declared the meeting adjourned at 10:51 a.m.

\_\_\_\_\_  
MARK YOUNG, CHAIRPERSON

JOHN J. GLEASON, CLERK/REGISTER

\_\_\_\_\_  
A'LEA GARDNER, DEPUTY CLERK