

May 8, 2012

The Regular meeting of the Otsego County Board of Commissioners was held in the County Building at 225 West Main Street, Room 100. The meeting was called to order at 9:30 a.m. by Chairman Paul Beachnau. Invocation by Commissioner Ken Borton, followed by the Pledge of Allegiance led by Commissioner Lee Olsen

Roll call:

Present: Clark Bates, Paul Beachnau, Paul Liss, Lee Olsen, Erma Backenstose, Richard Sumerix, Doug Johnson, Ken Borton, Bruce Brown.

Motion by Commissioner Clark Bates, to approve the regular minutes of April 24, 2012 with attachments. Ayes: Unanimous. Motion carried.

Consent Agenda:

Motion to adopt OCR 12-13 MERS Hybrid (Teamsters Bus).

Roll Call Vote:

Ayes: Clark Bates, Paul Beachnau, Paul Liss, Lee Olsen, Erma Backenstose, Richard Sumerix, Doug Johnson, Ken Borton, Bruce Brown.

Motion carried/Resolution adopted. (see attached)

Motion to adopt OCR 12-14 MERS Hybrid DC (Teamsters Bus).

Roll Call Vote:

Ayes: Clark Bates, Paul Beachnau, Paul Liss, Lee Olsen, Erma Backenstose, Richard Sumerix, Doug Johnson, Ken Borton, Bruce Brown.

Motion carried/Resolution adopted. (see attached)

Administrator's Report:

John Burt reported on the Livingston Blvd demolition; Sheriff's Department vehicle.

Motion by Commissioner Lee Olsen, to award BID 2012-04 for the Sheriff Patrol Vehicle Jim Wernig Chevrolet as the low bidder at \$29,995 and to approve the associated budget amendment. Ayes: Unanimous. Motion carried. (see attached)

Mary Sanders reported the MTA meeting is at May 15<sup>th</sup> at Chester Township at 6:00 p.m.

Elizabeth Haus reported on the Village.

New Business:

Motion by Commissioner Doug Johnson, to approve the May 1, 2012 Warrant in the amount of \$1,862,918.84 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Clark Bates, to approve the May 8, 2012 Warrant in the amount \$196,280.14 as presented. Ayes: Unanimous. Motion carried.

Motion to adopt OCR 12-14 National Police Week & Police Memorial Day.

Roll Call Vote:

Ayes: Clark Bates, Paul Beachnau, Paul Liss, Lee Olsen, Erma Backenstose, Richard Sumerix,  
Doug Johnson, Ken Borton, Bruce Brown.

Motion carried/Resolution adopted. (see attached)

Motion to adopt OCR-12-15 Social Host Awareness Month.

Roll Call Vote:

Ayes: Clark Bates, Paul Beachnau, Paul Liss, Lee Olsen, Erma Backenstose, Richard Sumerix,  
Doug Johnson, Ken Borton, Bruce Brown.

Motion carried/Resolution adopted. (see attached)

Motion by Commissioner Erma Backenstose, to adopt Ordinance 2012-2, the Municipal Civil  
Infraction Ordinance. Ayes: Unanimous. Motion carried. (see attached)

Motion by Commissioner Erma Backenstose, to adopt OCR 12-16 in honor of Maureen Derenzky.

Roll Call Vote:

Ayes: Clark Bates, Paul Beachnau, Paul Liss, Lee Olsen, Erma Backenstose, Richard Sumerix,  
Doug Johnson, Ken Borton, Bruce Brown.

Motion carried/Resolution adopted. (see attached)

Motion by Commissioner Bruce Brown, to adopt OCR 12-17 Mortgage Discharge Leandra J.  
Murphy f/k/a Leandra J. Boadway.

Roll Call Vote:

Ayes: Clark Bates, Paul Beachnau, Paul Liss, Lee Olsen, Erma Backenstose, Richard Sumerix,  
Doug Johnson, Ken Borton, Bruce Brown.

Motion carried/Resolution adopted. (see attached)

Board Remarks:

Commissioner Erma Backenstose: Library.  
Zoning.  
Groen property.

Commissioner Ken Borton: MAC meeting.

Commissioner Lee Olsen: NEMSAS meeting.  
Johannesburg 4<sup>th</sup> of July fundraiser.  
Groen property.

Commissioner Paul Liss: SANE.

Commissioner Clark Bates: City Council meeting.

Commissioner Doug Johnson:

Animal Control open house.  
Airport pancake breakfast.

Chairman Paul Beachnau:

Business after hours at Marsh Ridge.  
Animal Control dedication.

Meeting adjourned at 10:18 a.m.

---

Paul M. Beachnau, Chairman

---

Susan I. DeFeyter, Otsego County Clerk

## MERS Restated Uniform Hybrid Program (Benefit Program H) Resolution



1134 Municipal Way Lansing, MI 48917 | 800.767.3303 | Fax 517.703.9711

www.mersofmich.com

**WHEREAS**, under the Municipal Employees Retirement Act of 1984, section 36(2)(a); MCL 38.1536(2)(a); Plan Document Section 36(2)(a), provides the Retirement Board (effective August 15, 1996):

[s]hall determine and establish all of the provisions of the retirement system affecting benefit eligibility, benefit programs, contribution amounts, and the election of municipalities, judicial circuit courts, judicial district courts, and judicial probate courts to be governed by the provisions of the retirement system ... [and] to establish additional programs including but not limited to defined benefit, defined contribution, ancillary benefits, health and welfare benefits, and other post employment benefit programs (as amended by 2004 PA 490).

**WHEREAS**, pursuant to the Board's powers, the MERS Plan Document of 1996 was adopted effective October 1, 1996, and the Plan has been amended periodically by the Board.

**WHEREAS**, the MERS Plan, an agent, multiple employer, public employee pension plan, has been determined by the Internal Revenue Service to be a governmental plan that is tax qualified as a trust under Code section 401(a) and exempt from taxation under section 501(a) (Letter of Favorable Determination dated June 15, 2005; and letter dated July 8, 1997).

**WHEREAS**, on March 14, 2006, the Retirement Board has authorized establishment of a Hybrid Plan, with a defined benefit (DB) and defined contribution (DC) component.

**WHEREAS**, new Section 19B, Benefit Program H, and related plan amendments, create a new Hybrid Program that a participating municipality or court may adopt for MERS members to be administered in whole or in part under the discretion of the Municipal Employees' Retirement Board as trustee and fiduciary, directly by (or through a combination of) MERS or MERS duly-appointed third-party administrator for the DC component.

**WHEREAS**, this Uniform Hybrid Program Resolution has been approved by the Retirement Board under the authority of MCL 38.1536(2)(a); Plan section 36(2)(a) declaring that the Retirement Board "shall determine . . . and establish" all provisions of the retirement system. Under this authority, the Retirement Board authorized Section 19B, Benefit Program H, which shall not be implemented unless in strict compliance with the terms and conditions of this Resolution as provided under section 19B(2):

- In the event any alteration of any provision of this section 19B, or other sections of the Plan Document related to the provisions of Benefit Program H, is made or occurs, under section 43B of the Plan Document concerning collective bargaining or under any other plan provision or law, adoption of Benefit Program H shall not be recognized, other than in accordance with this section and other sections of the Plan Document related to the provisions of Benefit Program H.
- In the event any alteration of the terms or conditions stated in this Uniform Resolution is made or occurs, it is expressly recognized that MERS and the Retirement Board, as sole trustee and fiduciary of the MERS Plan and its trust reserves, and whose authority is nondelegable, shall have

# MERS Restated Uniform Hybrid Program (Benefit Program H) Resolution

no obligation or duty: to administer (or to have administered) the Benefit Program H; to authorize the transfer of any Plan assets to the Hybrid Program; or to continue administration by MERS directly or indirectly, or by any third-party administrator.

**WHEREAS**, concurrent with this Resolution, and as a continuing obligation, this governing body has completed and approved, and submitted to MERS, documents necessary for adoption and implementation of MERS Benefit Program H.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body adopts MERS Benefit Program H (Hybrid Program) as provided below.

## I. NEW EMPLOYEES (Plan Sec 19B(4) – (12))

Effective the first day of January 1, 2011, (to be known as the ADOPTION DATE), the

Otsego County hereby adopts Benefit Program H for

(MERS municipality/court)

Teamsters Bus Local 214 Div 10 new hires, rehires or transferred employees on or after 1/1/11

(specify division numbers)

first hired or rehired to the division at any time on and after the Adoption Date, and optional participation for any employee or officer of this municipality otherwise eligible to participate in MERS under Section 2B(3)(a) of the Plan Document who has previously elected to not participate in MERS. The employer shall establish the transfer rule for transferred employees in the Employer Resolution Establishing a Uniform Transfer Provision. **ONLY THOSE EMPLOYEES ELIGIBLE FOR MERS MEMBERSHIP (SECTIONS 2B(3) AND 3 OF THE PLAN DOCUMENT) SHALL BE ELIGIBLE TO PARTICIPATE.**

### (A) HYBRID PLAN CONTRIBUTIONS

- The DB Component shall be exclusively funded by the employer, with no member contributions permitted.
- For the DC Component, employee and employer contributions shall be required as allowed and specified in Plan section 19B(8) and the MERS Uniform Hybrid DC Component Adoption Agreement ("Adoption Agreement," Attachment 1, completed and approved and a certified copy submitted to MERS concurrent with and incorporated by reference in this Resolution). A member is immediately 100% vested in any employee contributions, and is vested in employer contributions under the employer vesting schedule.

### (B) COMPENSATION AND EARNINGS

- For the DB Component, earnings shall include items of "Compensation" under Section 2A(6) of the MERS Plan Document, with the exception of the last sentence, which shall not apply.
- For the DC Component, earnings shall include items of "Compensation" under Section 2A(6) of the MERS Plan Document as provided for Benefit Program DC, which equals the Medicare taxable wages as reported by the employer on the member's federal form W-2, wage and tax statement.

## **MERS Restated Uniform Hybrid Program (Benefit Program H) Resolution**

### **(C) HYBRID PLAN VESTING**

- For the DB Component, 6 year vesting is mandatory (Plan Sec 19B(5)(b)).
- For the DC Component, employee and employer contributions shall be required as allowed and specified in Plan section 19B(6) and the Adoption Agreement (Attachment 1, completed and approved and a certified copy submitted to MERS concurrent with and incorporated by reference in this Resolution). A member is immediately 100% vested in any employee contributions, and is vested in employer contributions under the employer vesting schedule.
- As provided in Section 19B(3):

Where a member has previously acquired in the employ of any participating municipality or participating court:

- (a) not less than 1 year of defined benefit service in force (including Hybrid Program) with any participating municipality or participating court;
- (b) eligible credited service where the participating municipality or participating court has adopted the Reciprocal Retirement Act, 1981 PA 88;
- (c) at least 12 months in which employer contributions by a participating municipality or participating court have been made on behalf of the member under Benefit Program DC or Hybrid Program, such service shall be applied toward satisfying the vesting schedule for the DB Component, and for the DC Component, for employer contributions.

### **(D) BENEFITS UNDER HYBRID PLAN**

- For the DB component:
  - (1) The Benefit Multiplier (Plan Section 19B(4)) initially selected shall be irrevocable, shall not later be changed and shall be the one here specified (select only one of the following):
    - (a) 1.0 % times (x) years of service times (x) FAC
    - (b) 1.25% times (x) years of service times (x) FAC
    - (c) 1.5% times (x) years of service times (x) FAC
  - (2) Final Average Compensation (FAC) shall be FAC-3 (Plan Section 19B(6)).
  - (3) The Benefit shall be payable at age 60 (Plan Section 19B(5)(b)).
  - (4) Credited Service shall be comprised solely of the sum of (a) the total of the member's credited service (if any) under the previous DB program on the effective date of coverage under the Hybrid Plan (Plan Section 19B(16)(b)(ii); see II (E)(b)(ii) below); plus (b) credited service earned by the member after the effective date of coverage under the Hybrid Plan (Plan Section 19B(17)(b)).
- For the DC Component (Plan Section 19B(12)):

## **MERS Restated Uniform Hybrid Program (Benefit Program H) Resolution**

---

Upon termination of membership, a vested former member or a beneficiary, as applicable, shall elect one or a combination of several of the following methods of distribution of the vested former member's or beneficiary's accumulated balance, to the extent allowed by federal law and subject to Plan Section 19B(11)(b) and procedures established by the Retirement Board:

- (1) Lump sum distribution to the vested former member or beneficiary.
- (2) Lump sum direct rollover to another eligible retirement plan, to the extent allowed by federal law.
- (3) Annuity for the life of the vested former member or beneficiary, or optional forms of annuity as determined by the Retirement Board.
- (4) No distribution, in which case the accumulated balance shall remain in the retirement system, to the extent allowed by federal law.

<b>STOP</b> If covering new employees only, skip II and III and go to IV on page 9. <b>STOP</b>
---

## **MERS Restated Uniform Hybrid Program (Benefit Program H) Resolution**

### **II. OPTIONAL PROVISION FOR CURRENT MERS DEFINED BENEFIT MEMBERS WHERE HYBRID PROGRAM FOR NEW EMPLOYEES ESTABLISHED (FOR TRANSFERS FROM MERS DEFINED CONTRIBUTION PROGRAM, SEE SECTION III)**

(Plan Sec 19B(13)-(16))

**THIS OPTIONAL SECTION SHALL ONLY BE SELECTED WHERE THE TOTAL FUNDED PERCENT OF AGGREGATE ACCRUED LIABILITIES AND VALUATION ASSETS OF ALL RESERVES SPECIFIED IN TABLE 13 (OR SUCCESSOR TABLE) FOR THE PARTICIPATING MUNICIPALITY OR COURT, AND FOR THE AFFECTED MEMBER BENEFIT PROGRAM CLASSIFICATION(S) (DIVISION(S)) SPECIFIED IN THE MOST RECENT MERS ANNUAL ACTUARIAL VALUATION REPORT IS AT LEAST EIGHTY PERCENT (80%).**

IT IS ADDITIONALLY RESOLVED, as provided in each of the following paragraphs:

#### **(A) Effective on the Adoption Date, pursuant to Plan Section 19B(13):**

all current MERS defined benefit members who are members of the same employee classification described in Section I above on the Adoption Date shall be offered the opportunity to irrevocably elect coverage under Benefit Program H. Section 19B(14) specifies an employee's written election to participate shall be filed with MERS: (a) not earlier than the last day of the third month after this Resolution is adopted and received by MERS; and (b) not later than the first day of the first calendar month that is at least six months after MERS receives this Resolution. This means each eligible employee will have about 90 days to make the decision.

After MERS receives this Resolution, this governing body's authorized official and eligible employees will be advised by MERS of the election window timelines and other information to consider in making the irrevocable decision whether to participate in Benefit Program H.

Participation for those electing coverage shall be effective the first day of the first calendar month at least six (6) months after MERS' receipt of the Resolution, here designated as being the month of November 1, 2012, (insert month and year) which shall be known as the "CONVERSION DATE."

The opportunity for current employees on the Adoption Date to participate in the Hybrid Program shall (select 1 of the following 2 choices):

- apply to all employees who separate from or terminate employment with this municipality after the Adoption Date and before the Conversion Date, so long as the employee does not receive a retirement allowance (including distributions from Benefit Programs DC or H) from MERS based on service for this municipality.
- not apply to any employee who separates from or terminates employment with this municipality after the Adoption Date.

## **MERS Restated Uniform Hybrid Program (Benefit Program H) Resolution**

---

**(B) CONTRIBUTIONS** shall be as provided in Section I (A) above.

**(C) COMPENSATION AND EARNINGS** shall be as provided in Section I (B) above.

**(D) HYBRID PLAN VESTING** shall be as provided in Section I (C) above.

**(E) For each employee irrevocably electing to participate in Benefit Program H, then under Plan Section 19B(10), the Retirement Board shall transfer the following amounts from the reserve for employee contributions and the reserve for employer contributions and benefit payments to the reserve for defined contribution plan:**

- (a) The member's accumulated contributions, if any, as of 12:01 a.m. on the day the member becomes covered by Benefit Program H shall be transferred from the reserve for employee contributions to the member's credit in the reserve for Benefit Program H Defined Contribution component.**
- (b) The funded excess present value shall be computed as the excess, if any, of the actuarial present value of the accrued benefit associated with the member's coverage under the previous benefit program, over the actuarial present value of the accrued benefit associated with the member's coverage under the defined benefit component of Benefit Program H, after such excess is multiplied by the funded level percentage selected by the governing body in subparagraph(F)(2) below (which shall not be less than 80% nor exceed 100% funded level percentage in any case). The excess, if any, of the funded excess present value over the amount specified in sub-paragraph (a) shall be transferred from the reserve for employer contributions and benefit payments to the member's credit in the reserve for Benefit Program H Defined Contribution component. For purposes of this subparagraph:
  - (i) The actuarial present values shall be computed as of 12:01 a.m. on the day the member becomes covered by Benefit Program H and shall be based on the actuarial assumptions adopted by the Retirement Board.**
  - (ii) On the effective date of the change of the benefit program the member's credited service under Benefit Program H shall be equal to the member's credited service under the previous benefit program.**
  - (iii) In determining final average compensation there shall not be included any accrued annual leave.**
  - (iv) The earliest retirement date (for an unreduced benefit) assumption under the defined benefit program in effect on the effective date of the change of the benefit program shall be utilized. Likewise the earliest retirement date assumption under Benefit Program H shall be utilized.**
  - (v) For purposes of the actuarial present value calculation, any future benefit otherwise payable under Benefit Program E or E-1 shall be disregarded.****

The transfer shall be made approximately 30 calendar days after the **Conversion Date**, and the transfer amount shall include pro-rated regular interest at the regular Board-established rate for crediting of interest on member's accumulated contributions in the defined benefit program, measured from the **Conversion Date** to the actual transfer date.

## **MERS Restated Uniform Hybrid Program (Benefit Program H) Resolution**

(F) Per Plan Section 19B(16)(b), the Retirement Board has established the assumptions for calculation of the actuarial present value of a member's accrued benefit that may be transferred. The assumptions are:

- (1) **The interest rate in effect as of the Adoption Date, to determine actuarial present value, shall be the Board-established investment earnings rate assumption (currently eight percent (8.00%)).**
- (2) **The funded level for the member's specific MERS division (total funded percentage of the present value of accrued benefits which shall be determined using Termination Liability under Table 12 or successor table and valuation assets of all reserves using Table 13) as of the Adoption Date from the most recent MERS annual actuarial valuation report data provided by MERS actuary. In the APV calculation, the funded level used shall be (select one of the following):**
  - Table 12 Termination Liability funded level for the division (not less than 80% nor to exceed 100% funded level).**
  - If greater than the division's funded level but not more than 100% funded level, then MERS is directed to compute the funded percentage for the transfer calculation on \_\_\_\_\_% funded basis (insert number greater than the division's Table 12 Termination Liability funded level percentage but not more than 100%). Where less than 100% funded level exists, this governing body recognizes that such direction shall increase its pension funding liability. MERS shall not implement such direction unless the governing body forwards to MERS sufficient cash up to the funded level selected for all members prior to the Conversion Date; if sufficient cash is not forwarded, then the governing body expressly covenants with MERS and directs, as a condition of this selection, to MERS billing and the governing body remitting to MERS all contributions necessary to fund the unfunded liability occasioned by the aggregate transfer of the difference between the actual funded level for the division and funded level directed above over a period of four (4) years.**

### **III. TRANSFER OF CURRENT MERS DEFINED CONTRIBUTION PROGRAM MEMBERS WHERE HYBRID PROGRAM FOR NEW EMPLOYEES ESTABLISHED Plan Sec 19B(13) – (15), (17)**

**IT IS ADDITIONALLY RESOLVED, as provided in each of the following paragraphs:**

- (A) **Effective on the Adoption Date, pursuant to Plan Section 19B(13) all current MERS defined contribution members who are members of the same employee classification described in Section I above on the Adoption Date shall be offered the opportunity to irrevocably elect coverage under Benefit Program H. Section 19B(14) specifies an employee's written election to participate shall be filed with MERS: (a) not earlier than the last day of the third month after this Resolution is adopted and received by MERS; and (b) not later than the first day of the first calendar month that is at least six months after MERS receives this Resolution. This means each eligible employee will have about 90 days to make the decision.**

**After MERS receives this Resolution, this governing body's authorized official and eligible employees will be advised by MERS of the election window timelines and other information to consider in making the irrevocable decision whether to participate in Benefit Program H.**

## **MERS Restated Uniform Hybrid Program (Benefit Program H) Resolution**

---

Participation for those electing coverage shall be effective the first day of the first calendar month at least six (6) months after MERS' receipt of the Resolution, here designated as being the month of \_\_\_\_\_, 20\_\_\_\_, (insert month and year), which shall be known as the "CONVERSION DATE."

The opportunity for current employees on the Adoption Date to participate in the Hybrid Program shall (select 1 of the following 2 choices):

- apply to all employees who separate from or terminate employment with this municipality **after the Adoption Date and before the Conversion Date**, so long as the employee does not receive a retirement allowance (including distributions from Benefit Programs DC or H) from MERS based on service for this municipality.
- not apply to any employee who separates from or terminates employment with this municipality **after the Adoption Date**.

**(B) CONTRIBUTIONS** shall be as provided in Section I (A) above.

**(C) COMPENSATION AND EARNINGS** shall be as provided in Section I (B) above.

**(D) HYBRID PLAN VESTING** shall be as provided in Section I (C) above.

**(E) For each employee irrevocably electing to participate in Benefit Program H, then under Plan Section 19B(17), the following shall apply:**

(a) The member's accumulated balance in the reserve for defined contribution plan under Benefit Program DC, if any, as of 12:01 a.m. on the day the member becomes covered by Benefit Program H shall be transferred to the member's credit in the reserve for defined contribution plan under Benefit Program H Defined Contribution component.

(b) For purposes of calculating benefit amounts under the defined benefit component of Benefit Program H, only credited service earned after 12:01 a.m. on the day the member becomes covered by Benefit Program H shall be recognized.

#### **IV. THIRD PARTY ADMINISTRATION**

The Municipal Employees' Retirement Board retains full and unrestricted authority over the administration of MERS Benefit Program H, including but not limited to the appointment and termination of the third-party administrator, or MERS self-administration of the defined contribution program in whole or in part.

# MERS Restated Uniform Hybrid Program (Benefit Program H) Resolution

## V. EFFECTIVENESS OF THIS RESOLUTION

**BE IT FINALLY RESOLVED:** This Resolution shall have no legal effect under the MERS Plan Document until a certified copy of this adopting Resolution shall be filed with MERS, and MERS determines that all necessary requirements under Plan Document Section 19B, this Resolution, and other applicable requirements have been met. All dates for implementation of Benefit Program H under Section 19B shall be determined by MERS from the date of filing with MERS of this Resolution in proper form and content. Upon MERS determination that all necessary documents have been submitted to MERS, MERS shall record its formal approval upon this Resolution, and return a copy to the Employer's Hybrid Program Plan Coordinator identified in Section IV (D) above.

In the event an amendatory Resolution or other action by this Governing Body is required, such Resolution or action shall be deemed effective as of the date of the initial Resolution or action where concurred in by this governing body and MERS (and the third-party administrator if necessary). Section 54 of the Plan Document shall apply to this Resolution and all acts performed under its authority. The terms and conditions of this Resolution supersede and stand in place of any prior resolution, and its terms are controlling.

I hereby certify that the above is a true copy of a Resolution adopted at the official meeting held on May 8, 2012

\_\_\_\_\_  
(Signature of authorized official)

Please send MERS fully executed copy of:

- MERS 2010 Restated Uniform Hybrid Program (Benefit Program H) Resolution (this form, MD-043)
- MERS Restated Hybrid Plan (Defined Contribution Component) Adoption Agreement (form MD-044)
- Declaration of Trust and certified minutes stating governing body approval, and/or union contract language

Received and Approved by the Municipal Employees' Retirement System of Michigan

Dated: \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
(Authorized MERS signatory)

# MERS Restated Hybrid Plan (Defined Contribution Component) Adoption Agreement



1134 Municipal Way Lansing, MI 48917 | 800.767.2308 | Fax 517.703.9711

www.mersofmich.com

The Employer, a participating municipality or participating court ("court") within the State of Michigan that has adopted MERS coverage, hereby establishes the following MERS Benefit Program: **Hybrid under MERS Plan Document ("MERS Hybrid DC")** as authorized by Section 19B of the Municipal Employees' Retirement System of Michigan Plan Document. All references to "Plan Document" are to sections of the MERS Plan Document; any reference to "Plan," the "MERS Plan," "Plan Participant," "Participant," or "Program," shall mean the MERS Hybrid DC Plan, unless otherwise specified.

This Adoption Agreement, together with Section 19B of the MERS Plan Document and the MERS Restated Uniform Hybrid Resolution ("Resolution"), constitute the entire MERS Benefit Program Hybrid Plan Document.

I. **EMPLOYER:** Otsego County  
Name of municipality or court

## II. EFFECTIVE DATE

1. If this is the initial Adoption Agreement relating to the MERS Defined Contribution Plan for this Division, the Effective Date of the Benefit Program here adopted shall be the first day of:  
January 1, 2011  
Month and Year

2. If this is an amendment and restatement of an existing adoption agreement relating to the MERS Hybrid DC Plan for this Division, the effective date of this amendment and restatement shall be the first day of: \_\_\_\_\_  
Month and Year

Intended to replace and serve as an amendment and restatement of the Employer's preexisting plan, which was originally effective on the first day of: \_\_\_\_\_  
Month and Year

## III. ELIGIBILITY REQUIREMENTS

Only those Employees eligible for MERS Membership (Section 3 of the MERS Plan Document) shall be eligible to participate in the MERS Hybrid DC Plan. A copy of ALL employee enrollment forms must be submitted to MERS. The following group(s) of Employees are eligible to participate in the Plan:

Teamsters Bus Local #214 Unit Employees - Division 10 - new hires, rehires, or transferred employees into the Teamsters Bus

Division on or after adoption date of January 1, 2011.

Specify employee classification and division numbers

# MERS Restated Hybrid Plan (Defined Contribution Component) Adoption Agreement

---

## IV. CONTRIBUTION PROVISIONS

1. The Employer shall contribute on behalf of each Participant 1 % of Earnings or \$\_\_\_\_\_ for the calendar year (subject to the limitations of Sections 415(c) of the Internal Revenue Code).
2. Each Participant is required to contribute 1, 2 or 3 % of Earnings for the calendar year as a condition of participation in the Plan. (Write "0" if no contribution is required.) \*If other contribution options are provided, please list on separate sheet of paper and attach to Adoption Agreement.

If Employee contributions are required, an Employee shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

The Employer hereby elects to "pick up" the Mandatory/Required Employee contribution. The "pick-up" provision allows the employer to direct mandatory employee contributions to be pre-tax.

Yes                       No

[Note to Employer: Picked up contributions are excludable from the Employee's gross income under Section 414(h)(2) of the Internal Revenue Code of 1986 only if they meet the requirements of Rev. Rul. 2006-43, 2006-35 I.R.B. 329. Those requirements are (1) that the Employer must specify that the contributions, although designated as Employee contributions, are being paid by the Employer in lieu of contributions by the Employee; and (2) the Employee must not have the option of receiving the contributed amounts directly instead of having them paid by the Employer to the Plan. The execution of this Adoption Agreement by the Employer shall constitute the official action required by Revenue Ruling 2006-43.]

3. Each Employee may make a voluntary (unmatched), after-tax contribution, subject to the limitations of Section 415 of the Internal Revenue Code.
4. Employer contributions and Employee contributions shall be contributed to the Trust in accordance with the following payment schedule:

Weekly                       Bi-weekly                       Monthly

## V. EARNINGS

Earnings shall be defined as "compensation" under Section 2A(6) of the MERS Plan Document, being the Medicare taxable wages reported on the Employee's W-2 statement.

# MERS Restated Hybrid Plan (Defined Contribution Component) Adoption Agreement

## VI. VESTING PROVISION FOR EMPLOYER CONTRIBUTIONS AND NORMAL RETIREMENT AGE

The Employer hereby specifies the following vesting schedule (choose one):

- Immediate vesting upon participation
- Cliff vesting: The participant is 100% vested upon a stated number of years. Stated year may not exceed maximum 5 years of service:

Stated Year:       1    2    3    4    5

- Graded vesting percentage per year of service: Employers can select the percentage of vesting with the corresponding years of service, however the scale cannot exceed a maximum of six years of service to reach 100% vesting, nor less than the stated minimums below:

\_\_\_\_\_ % after 1 year of service.  
\_\_\_\_\_ % after 2 years of service.  
25 % (not less than 25%) after 3 years of service.  
50 % (not less than 50%) after 4 years of service.  
75 % (not less than 75%) after 5 years of service.  
100 % (not less than 100%) after 6 years of service.

Notwithstanding the above, a member shall be vested in his/her entire employer contribution account, to the extent that the balance of such account has not previously been forfeited, if he/she is employed on or after his/her Normal Retirement Age. "Normal Retirement Age" shall be presumed to be age 60 (unless a different normal retirement age is here specified: \_\_\_\_\_).

In addition, notwithstanding the above, in the event of disability or death, a member or his/her beneficiary shall be vested in his/her entire employer contribution account, to the extent that the balance of such account has not previously been forfeited as described in Section 19A(7) of the MERS Plan Document.

- VII. Loans (not more than two) are permitted under the Program. MERS recommendation is "No," not to allow loans: loans permit your employees to borrow against their retirement account.

Yes                       No

- VIII. The Plan will accept an eligible rollover distribution from an eligible retirement plan described in Section 401(a) (including "401(k)") or 403(a) of the Code, an annuity contract described in Section 403(b) of the Code, an eligible deferred compensation plan described in Section 457(b) of the Code maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state, or an individual retirement account or annuity described in Section 408(a) or 408(b) of the Code, including after-tax employee contributions, as applicable. The Plan will account separately for pre-tax and post-tax contributions and earnings thereon.

**MERS Restated Hybrid Plan (Defined Contribution Component)  
Adoption Agreement**

---

- IX. The Employer hereby agrees to the provisions of the MERS Uniform Defined Contribution Plan and agrees that in the event of any conflict between MERS Plan Document Section 19B and the MERS Hybrid Plan, the provisions of Section 19B shall control.
- X. The Employer hereby appoints MERS as the Plan Administrator pursuant to the terms and conditions of the Plan.
- XI. The Employer hereby agrees to the provisions of the Plan.
- XII. The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in the ineligibility of the Plan in the DC component of the Hybrid Plan.

In Witness Whereof, the Employer hereby causes this Agreement to be executed on this 8 day of May, 2012.

Employer: Otsego County

By: Paul Beachnau

Title: Chairman, Board of Commissioners

Attest: \_\_\_\_\_



**OCR 12-14**  
**Proclaiming National Police Week & Police Memorial Day**  
**OTSEGO COUNTY BOARD OF COMMISSIONERS**  
**May 8, 2012**

**WHEREAS,** The Congress of the United States of America has designated the week of May 13<sup>th</sup> through May 19<sup>th</sup>, 2012 to be dedicated as "NATIONAL POLICE WEEK" and May 15<sup>th</sup> of each year to be "POLICE MEMORIAL DAY"; and

**WHEREAS,** The members of law enforcement agencies protect life and property throughout the County of Otsego and play an essential role in safeguarding the rights and freedoms of our citizens; and

**WHEREAS,** The County of Otsego desires to honor the valor, service and dedication of its own Sheriff Deputies, especially those who have given their lives in the line of duty; and

**WHEREAS,** The County of Otsego further desires to recognize and appreciate the duties, hazards, and sacrifices of law enforcement personnel; and

**WHEREAS,** The Board of Commissioners calls upon the citizens of Otsego County to take a moment on May 15<sup>th</sup>, to remember those fallen officers who made the ultimate sacrifice for their fellow man; now, therefore, be it

**RESOLVED,** that we proclaim the week of May 13<sup>th</sup> to May 19<sup>th</sup> to be "POLICE WEEK" and call upon all our citizens in this community to especially honor and show our sincere appreciation for the Sheriff Deputies of this County by deed, remark and attitude; and be it further

**RESOLVED** that the flags be flown at half-staff on May 15<sup>th</sup> in honor of Deputy Carl L. Darling, Jr., who gave his life in the line of duty on May 3, 1986; Sergeant Larry C. Washburn, who died while on duty on May 15, 1994 and Deputy John K. Gunsell, who died in the line of duty on September 12, 2004.

**OCR 12-15**  
**May 2011 as Social Host Liability Awareness Month**  
Otsego County Board of Commissioners  
May 8, 2012

**WHEREAS**, alcohol is a factor in the four leading causes of death among persons ages 10-24: motor vehicles crashes, unintentional injuries, homicide and suicide; and

**WHEREAS**, Michigan ranked 9<sup>th</sup> in the country in the average annual number of deaths attributable to fatal motor vehicle crashes in which at least one driver was aged 16-25 and had been drinking; about 51% of those vehicle crashes involved drinkers aged 16-20; and

**WHEREAS**, In Michigan, it is estimated that underage alcohol use costs \$2 billion, with youth violence and traffic crashes involving underage drinkers representing the largest costs to the state; and

**WHEREAS**, one-hundred percent of any alcohol consumed by a minor came from an adult. At one time, an adult over the age of 21 was in control of the alcohol and a minor gained access to it; and

**WHEREAS**, adults who allow, serve or provide alcohol to an underage youth anywhere on their property can be held criminally and civilly liable if that youth is killed or injured, or if that youth kills or injures someone else; now, therefore, be it

**RESOLVED**, that the Otsego County Board of Commissioners, do hereby proclaim that May 2012 is Social Host Liability Awareness Month. We also call upon all citizens, homeowners and property owners to host gatherings responsibly and take measures to eliminate access of alcohol to persons under the age of 21.

ORDINANCE NO. 2012-2

**OTSEGO COUNTY MUNICIPAL CIVIL INFRACTIONS ORDINANCE**

Adopted:  
Effective:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SERVICE OF MUNICIPAL CIVIL INFRACTION CITATIONS

THE COUNTY OF OTSEGO, MICHIGAN, HEREBY ORDAINS:

**Section 1. Short title**

This Ordinance shall be known and may be cited as the "Municipal Civil Infraction Ordinance."

**Section 2. Definitions**

As used in this Ordinance:

"Act" means Act No. 236 of the Public Acts of 1961, as amended.

"Authorized County Official" means a police officer, animal control officer, building code enforcement officer, zoning administrator, soil erosion enforcement officer, marine officer, or any other personnel of Otsego County authorized by this Ordinance, by any other ordinance or state law permitted to enforce an ordinance or state law and/or to issue municipal civil infraction citations.

"Municipal civil infraction action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

"Municipal civil infraction citation" means a written complaint prepared by an authorized County Official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

"Municipal civil infraction" means any civil infraction issued by an authorized County Official as provided for by ordinance or state law.

**Section 3. Designation of authorized officials**

The following persons have the authority to issue municipal civil infraction citations pursuant to this Ordinance:

- (a) Otsego County Sheriff's Department deputized law enforcement officers;
- (b) Officers of the City of Gaylord Police Department;

- (c) Officers of the Michigan State Police;
- (d) Conservation Officers of the Michigan Department of Natural Resources;
- (e) Any employee of Otsego County charged with the enforcement of the building code;
- (f) Otsego County Land Use Services Director;
- (g) Any employee of Otsego County charged with the enforcement of the Otsego County Zoning Ordinance;
- (h) Otsego County Administrator;
- (i) Any officer, employee, or agent of Otsego County charged with the enforcement of any other ordinance and/or state law.

**Section 4. Municipal civil infraction action; commencement**

A municipal civil infraction action may be commenced upon the issuance by an authorized County Official of a municipal civil infraction citation directing the alleged violator to appear in court.

**Section 5. Municipal civil infraction citations; issuance and service**

Municipal civil infraction citations shall be issued and served by authorized County officials as follows:

- (a) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- (b) The place for appearance specified in a citation shall be the district court.
- (c) Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. The County shall retain copies of the citation, and one (1) copy shall be issued to the alleged violator as provided by § 8705 of the Act.
- (d) A citation for a municipal civil infraction signed by an authorized County Official shall be treated as if made under oath, if the violation alleged in the citation occurred in the presence of the official signing the complaint, and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief."
- (e) An authorized County Official who witnesses a person commit a municipal civil infraction may prepare and subscribe, as soon as possible, and as completely as possible, an original citation and the required copies.
- (f) An authorized County Official may issue a citation to a person if:

- (i) Based upon investigation, the official had reasonable cause to believe that the person is responsible for a municipal civil infraction; or
  - (ii) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction, and if the County attorney approves in writing the issuance of the citation.
- (g) Municipal civil infraction citations shall be served by an authorized County Official as follows:
- (i) An authorized County Official shall personally serve a copy of the citation upon the alleged violator;
  - (ii) An authorized County Official may, in lieu of personal service, serve a copy of the citation by certified mail, return receipt requested, and delivery restricted to the alleged violator;
  - (iii) If the municipal civil infraction action involves the use or occupancy of land, a building or structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy of the citation on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by certified mail, return receipt requested, and delivery restricted to the owner of the land, building, or structure at the owner's last known address.

**Section 6. Municipal civil infraction citations; contents**

- (a) A municipal civil infraction citation shall contain the name and last known address of the alleged violator and, in the case of a minor, shall also include the name and address of a parent or guardian of said minor; the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time when the appearance shall be made.
- (b) Further, the citation shall inform the alleged violator that he or she may do one of the following:
  - (i) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
  - (ii) Admit responsibility for the municipal civil infraction "with explanation"

by mail, in person, or by representation, at or by the time specified for appearance.

(iii) Deny responsibility for the municipal civil infraction by doing either of the following:

(A) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the County.

(B) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(c) The citation shall also inform the alleged violator of all of the following:

(i) That if the alleged violator desires to admit responsibility “with explanation” in person, or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.

(ii) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance, and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.

(iii) That a hearing shall be an informal hearing, unless a formal hearing is requested by the alleged violator or the County.

(iv) That at an informal hearing, the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.

(v) That at a formal hearing, the alleged violator must appear in person before a judge, with the opportunity of being represented by an attorney.

(vi) The citation shall contain a notice in boldface type that the failure of the alleged violator to appear within the time specified in the citation, or at the time scheduled for a hearing or appearance, will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

**Section 7. Failure to appear; penalty**

A person served with a municipal civil infraction citation as provided in Section 5(g), who fails to appear within the time specified in the citation or at the time scheduled for a hearing or appearance, shall have a default judgment entered against them in the amount provided by this Ordinance or any other ordinance, plus any costs, damages, expenses, and other sanctions, as authorized under the Act, including an order to show cause why the defaulted person should not be held in civil contempt.

**Section 8. Sanctions for Municipal civil infractions; repeat offenses; continuing violations; injunctive relief**

- (a) The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Ordinance, or any other ordinance violated, plus costs, damages, expenses and other sanctions, as authorized under the Act, and other applicable laws.
- (b) Increased civil fines may be imposed for repeat offenses by a person of any requirement or provision of any ordinance. As used in this section, "repeat offenses" means a second (or any subsequent) admission or determination of responsibility for the same municipal civil infraction made within the period as specified by the ordinance violated.
- (c) Each day on which any violation designated as a municipal civil infraction continues constitutes a separate offense and shall be subject to sanctions as a separate violation.
- (d) In addition to any remedies available at law, the County may bring an action for an injunction or other process against a person to restrain, prevent, or abate any municipal civil infraction violation.

**Section 9. Schedule of civil fines and costs**

Unless a different schedule of civil fines is provided for by an applicable ordinance, the civil fines payable upon admission or determination of responsibility by a person served with a municipal civil infraction citation, shall be determined pursuant to the following schedule:

1 <sup>st</sup> violation	\$25.00-\$50.00
2 <sup>nd</sup> violation within a 3-year period	\$50.00-\$100.00
3 <sup>rd</sup> violation within a 3-year period	\$100.00-\$200.00
4 <sup>th</sup> violation within a 3-year period	\$250.00-\$500.00

The time period for determining second (or any subsequent) violations is based upon the date of the violation.

**Section 10. Severability**

This Ordinance and the various parts, sections, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid, the remainder of the Ordinance shall not be affected thereby.

**Section 11. Repealer**

All prior ordinances addressing the same subject matter as this Ordinance are hereby repealed.

**Section 12. Effective Date**

This Ordinance shall be effective on the day when notice of its adoption is published in a newspaper of general circulation in Otsego County.

Adoption of the Ordinance was moved by \_\_\_\_\_ and supported by \_\_\_\_\_.

YEAS:

NAYS:

ORDINANCE DECLARED ADOPTED ON \_\_\_\_\_, 2012.

\_\_\_\_\_  
Paul M. Beachnau  
Its: Chairman, Otsego County Board of  
Commissioners

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF OTSEGO     )

The undersigned, being the Clerk of the County of Otsego, hereby certifies that the foregoing is a true and complete copy of the Ordinance duly adopted by the Otsego County Board of Commissioners at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2012, at which meeting a quorum was present and remained throughout and that an original thereof is on file in the records of the County. I further certify that the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the minutes of such meeting were kept and will be or have been made available as required thereby.

Dated: \_\_\_\_\_

Susan I. DeFeyer, County Clerk

## PUBLIC NOTICE

At a regular meeting of the Otsego County Board of Commissioners held on the 10<sup>th</sup> day of August 2004, the following Ordinance was adopted:

COUNTY OF OTSEGO  
STATE OF MICHIGAN

ORDINANCE NO. 2004-2

### MUNICIPAL ORDINANCE VIOLATIONS BUREAU ORDINANCE

An Ordinance to amend the Otsego County Municipal Civil Infractions Ordinance by adopting pursuant to Chapter 87 of Act Number 236 of the Public Acts of 1961 as amended (MCLA 600.8701 et seq.) a Municipal Ordinance Violations Bureau for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions for which municipal ordinance violation notices have been issued and served by authorized officials; to collect and retain civil fines/costs for such violations as prescribed herein; and to repeal all conflicting ordinances or parts of ordinances.

#### SECTION 1

Section 2.3 "Definitions" of the Otsego County Municipal Civil Infractions Ordinance shall be amended by adding Section 2.3.5 "Otsego County Municipal Ordinance Violations Bureau" to read as follows:

2.3.5 "*Municipal Ordinance Violations Bureau*" means a designation of a department or agency of Otsego County that has been designated by the County Board of Commissioners for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions for which municipal ordinance violation notices have been issued and served by authorized officials; to collect and retain civil fines/costs for such violations.

#### SECTION 2

The Otsego County Municipal Civil Infractions Ordinance shall be amended by adding Article 2A "MUNICIPAL ORDINANCE VIOLATIONS BUREAU" to read as follows:

#### ARTICLE 2A MUNICIPAL ORDINANCE VIOLATIONS BUREAU

##### Section 2A.1 ESTABLISHMENT, LOCATION AND PERSONNEL

A. Establishment. The Otsego County Municipal Ordinance Violations Bureau (hereafter "Bureau") is hereby established pursuant to 1994 Public Act 12 (MCL 600.8396), as it may be amended from time to time, for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines/costs for such violations as prescribed herein.

B. Location. The Bureau shall be located at the County Treasurer's Office; located in the County Building at 225 W. Main Street; Gaylord, Michigan or such other location in the County as may be designated by the County Board of Commissioners.

C. Personnel. All personnel of the Bureau shall be County employees. The County Board of Commissioners may by resolution designate a Bureau Clerk with the duties prescribed herein and as otherwise may be delegated by the County Commissioners.

Section 2A.2 BUREAU AUTHORITY: The Bureau shall only have authority to accept admissions of responsibility (without explanation) for municipal civil infractions for which a municipal ordinance violations notice has been issued and served, and to collect and retain the scheduled civil fines/costs for such violations specified pursuant to this Ordinance or other applicable ordinance.

The Bureau shall not accept payment of fines/costs from any person who denies having committed the alleged violation or who admits responsibility only with explanation. The Bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

### Section 2A.3 NOTICE REQUIREMENTS, ADMISSION or DENIAL OF RESPONSIBILITY

A. Ordinance Violation Notice Requirements. Municipal civil infraction violation notices shall be issued and served by authorized County officials as provided by law. A municipal ordinance violation notice shall include, at a minimum, all of the following:

1. the violation;
2. the time within which the person must contact the Bureau for purposes of admitting or denying responsibility for the violation;
3. the amount of the scheduled fines/costs for the violation;
4. the methods by which the violation may be admitted or denied;
5. the consequences of failing to pay the required fines/costs or contact the Bureau within the required time;
6. the address and telephone number of the Bureau;
7. the days and hours that the Bureau is open.

B. Denial of Responsibility. Where a person fails to admit responsibility (without explanation) for a violation within the jurisdiction of the Bureau and pay the required civil fines/costs within the designated time period, the Bureau Clerk or other designated County employees) shall advise the complainant to issue and file a municipal civil infraction citation for such violation with the court having jurisdiction of the matter. The citation filed with the court shall consist of a sworn complaint containing, at a minimum, the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation. A copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation shall thereafter be processed in the manner required by law.

Section 2A.4 SCHEDULE OF CIVIL FINES/COSTS: The civil fines payable to the Bureau upon admissions of responsibility by persons served with municipal ordinance violation notices shall be as set forth in Section 3.4 of this ordinance.

Section 2A.5 RECORDS AND ACCOUNTING: The Bureau Clerk or other designated County official/ employee shall retain a copy of all municipal ordinance violation notices, and shall account to the County Board of Commissioners once a month or at such other intervals as the County Board of Commissioners may require concerning the number of admissions and denials of responsibility for ordinance violations within the jurisdiction of the Bureau and the amount of fines/costs collected with respect to such violations. The civil fines/costs collected shall be delivered to the County Treasurer at such intervals as the Treasurer shall require, and shall be deposited in the general fund of the County.

Section 2A.6 AVAILABILITY OF OTHER ENFORCEMENT OPTIONS: Nothing in this Ordinance shall be deemed to require the County to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice. As to each ordinance violation designated as a municipal civil infraction the County may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law.

### SECTION 3

SEVERABILITY: The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

### SECTION 4

REPEAL: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

### SECTION 5

EFFECTIVE DATE: This Ordinance shall take effect immediately upon publication as required by law following adoption by the County Board of Commissioners.

COUNTY OF OTSEGO

By: \_\_\_\_\_  
Lee Olsen, Chairman

By: \_\_\_\_\_  
Evelyn Pratt, County Clerk

**OCR 12-16**  
**COMMENDATION IN HONOR OF MAUREEN DERENZY**  
OTSEGO COUNTY BOARD OF COMMISSIONERS  
May 8, 2012

**WHEREAS,** Maureen Derenzy is a native of Northern Michigan; and

**WHEREAS,** Maureen Derenzy moved to Gaylord in 1988 to raise her daughters, after starting her career in Saginaw; and

**WHEREAS,** Maureen and her husband Bradley enjoy spending time with their granddaughter; and

**WHEREAS,** Maureen graduated from the University of Chicago with a B.A. in Linguistics and earned a Master's degree from the University of Michigan School of Information; and

**WHEREAS,** Maureen became Director of the Otsego County Library; and

**WHEREAS,** Maureen helped guide our library to becoming one of the best small libraries in Michigan; and

**WHEREAS,** with her leadership, the library was the first in Northern Michigan to offer the MeLCat borrowing program; and

**WHEREAS,** the library provided the very first Internet connection in our community; and

**WHEREAS,** the library received the State Librarian's Award of Excellence in 2003 for its quality of service and "can do attitude"; and

**WHEREAS,** Maureen was a founding member of the UpNorth Digital Library consortium; and

**WHEREAS,** Maureen successfully obtained numerous grants for the library including a federal stimulus grant to purchase 22 computers, and a grant to put the Gaylord Herald Times archives on the Internet; and

**WHEREAS,** Maureen has served her community through volunteerism through a number of community boards and organizations including the American Association of Women, the Otsego County Community Foundation Board, Volunteer Center Board, Historical Society Board, and the Great Start Parent Coalition for Each Childhood Education; and

**WHEREAS,** Maureen holds the honor of being named the 2012 recipient of Zonta's Golden Hug Award, given to an unsung hero of our community who embodies the true spirit of giving to and empowering others; now, therefore, be it

**RESOLVED,** that the Otsego County Board of Commissioners, hereby recognizes and honors the outstanding contributions that Maureen Derenzy has made to our community and the time and work she continues doing to help ensure that the residents of Otsego County have continued opportunities

**RESOLUTION NO. OCR 12-17**  
**AUTHORIZING RESOLUTION**  
OTSEGO COUNTY BOARD OF COMMISSIONERS  
May 8, 2012

**WHEREAS**, the Otsego County Board of Commissioners is the owner of a property located at 278 Thumm Road, Gaylord, Michigan 49735 and has a mortgage recorded in the office of the Register of Deeds for Otsego County Michigan, in Liber 1067, Pages 117-130, in the name Leandra J. Murphy, f/k/a Leandra J. Boadway, a single woman, Otsego County Records; and

**WHEREAS**, said Mortgage has been paid in full; now, therefore, be it

**RESOLVED**, that Otsego County hereby issues a DISCHARGE OF MORTGAGE to, Leandra J. Murphy, f/k/a Leandra J. Boadway, a single woman, Otsego County Records; and, be it further

**RESOLVED**, that the Otsego County Administrator, on behalf of the Otsego County Board of Commissioners, be authorized to sign said document.