

September 25, 2007

The Regular meeting of the Otsego County Board of Commissioners was held at the Multi-Purpose room of the J. Richard Yuill Alpine Center. The meeting was called to order at 9:30 a.m. by Chairman Glasser. Invocation by Commissioner Glasser, followed by the Pledge of Allegiance led by Commissioner Liss.

Roll call:

Present: Backenstose, Liss, Olsen, Glasser, Johnson, Hyde.

Excused: Bates, Beachnau, Bentz.

The Regular meeting minutes of September 11, 2007 with attachments were approved as presented.

Consent Agenda:

Motion to move \$50,000 out of the Health Care Fund (fund 647) surplus into the payroll liability fund (fund 704), unemployment line item. Motion carried via unanimous consent.

Motion to approve the Sheriff/Civil Division 2007 budget amendment. Motion carried via unanimous consent. (see attached)

Motion to add three alternate members to the Construction Board of Appeals. Motion carried via unanimous consent.

Motion to reappoint Constance Blotske and William Light to the Board of Canvassers both terms to expire October 20, 2011. Motion carried via unanimous consent.

Administrator's report:

John Burt reported bids have been received for carpet on the 3rd floor at the Alpine Center; bids have been received for roof repairs for Judge Cooper's courtroom and Cross street; Jail meeting 9-25-07 at 5:30 p.m. in the multi-purpose room; Cooperative Planning Committee meeting 9-26-07 at 6:00 p.m. in the City Council chambers.

Rachel Frisch reviewed the August financial reports.

New Business:

Motion by Commissioner Hyde, to approve Warrant B2007-38 in the amount of \$143,450.26 with prepaids in the amount of \$56,454.78 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Olsen, to approve Warrant B2007-39 in the amount of \$153,006.72 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Johnson, to approve the changes to the Sportsplex fee schedule beginning on January 1, 2008 as presented. Ayes: Unanimous. Motion carried. (see attached)

Motion by Commissioner Backenstose, to approve the updated Otsego County 2007 appointments of committees and delegated chairs. Ayes: Unanimous. Motion carried. (see attached)

Motion by Commissioner Liss, to approve the POLC Health Care savings program agreement. Ayes: Unanimous. Motion carried. (see attached)

Motion by Commissioner Hyde, to appoint Mike Fernandez to the Airport Advisory Committee in replacement of Janice Lampert with the term ending December 31, 2009. Ayes: Unanimous. Motion carried.

Motion by Commissioner Olsen, to adopt Resolution OCR-07-40 supporting the NEMCSA Long Term Care Ombudsman.

Roll Call Vote:

Ayes: Backenstose, Liss, Olsen, Glasser, Johnson, Hyde.

Nays: None.

Excused: Bates, Beachnau, Bentz.

Motion carried/Resolution adopted. (see attached)

Public Comments:

Mark McCully from the MTEC introduced himself to the Board.

Board Remarks:

Commissioner Backenstose: Soil Conservation fall tour.
 FIA meeting.
 Attended a seminar for landlords.

Commissioner Johnson: Soil Conservation fall tour.

Meeting adjourned at 10:04 a.m. at the call of the Chair.

Kenneth R. Glasser, Chairman

Susan I. DeFeyer, County Clerk

User rates open swim & open skate	Now	Starting 1/1/2008	Amount of Increase:
child in county	\$2.00	\$2.50	\$0.50
child out of county	\$2.00	\$3.00	\$1.00
adult in county	\$2.50	\$3.00	\$0.50
adult out of county	\$2.50	\$3.50	\$1.00
senior in county (over 60)	\$1.25	\$2.00	\$0.75
senior out of county	\$1.25	\$2.50	\$1.25
Family in county	\$8.00	\$8.50	\$0.50
Family out of county	\$8.00	\$10.00	\$2.00
Skate rental	\$2.25	\$3.00	\$0.75

OTSEGO COUNTY 2007 APPOINTMENTS

STATUTORY COMMITTEES

TRANSPORTATION & COUNTY AIRPORT	Chair Hyde, Beachnau, Glasser Staff: Woody
LEPC	Glasser
9-1-1	Liss, Hyde
PLANNING COMMISSION	Backenstose
PARLIAMENTARIAN	Bates

SELECT COMMITTEES

JUSTICE & PUBLIC SAFETY	Chair Johnson, Liss, Hyde, Backenstose, Burt Staff: Frisch
BUDGET-FINANCE	Chair Burt, Olsen, Backenstose, Beachnau, Glasser Staff: Axford, Frisch
COUNTY INFRASTRUCTURE	Chair Bentz, Backenstose, Glasser, Olsen, Burt Staff: Fulcher
JAIL TECHNICAL COMMITTEE	Chair McBride, Burt, Glasser, Hyde, Backenstose, Edel, Legel, Frisch, Webber, FitzGerald, Davis, Morse, Frick
HUMAN SERVICES	Chair Bentz, Beachnau, Johnson, Bates, Burt Staff: Adam
PERSONNEL	Chair Liss, Bates, Johnson, Bentz, Burt Staff: Adam
JAIL CITIZEN COMMITTEE	Chair Don Koeppen, Sanders, Brecheisen, Berlin, Cousineau, Dunn, Fisher, Franckowiak, Giles, Harrison, Haus, Kassuba, Mammel, Mathis, McCarthy, Morgan, Morgridge, Sharrard, Skoglund, Thompson, Tober, Waldo, Wagar

COMPONENT UNIT/CONTRACTUAL LIAISONS

COMMISSION ON AGING	Olsen, Hyde Alternate
EMS	Hyde, Liss Alternate
LIBRARY	Backenstose, Olsen Alternate
HOUSING COMMITTEE	Bates, Backenstose Alternate
PARKS & RECREATION	Johnson, Olsen Alternate
ROAD COMMISSION	Glasser, Hyde Alternate
SPORTSPLEX	Beachnau, Backenstose Alternate
UNIVERSITY CENTER	Olsen, Beachnau Alternate
M-TEC ADVISORY	Hyde, Backenstose Alternate
DISTRICT HEALTH	Bentz, Johnson
MENTAL HEALTH (NEMCMH)	Bentz, Johnson Alternate
SOIL CONSERVATION	Olsen, Hyde Alternate
CONSTRUCTION BOARD OF APPEALS	Bentz, Johnson
APPEALS BOARD (Sanitary Board of Appeals)	Liss, Glasser, Backenstose

COMMUNITY, GOVERNMENT & PROGRAM LIAISONS

AU SABLE RIVER ZONING	Bates, Olsen Alternate
BIG ROCK	Carl Lord
FAIR BOARD	Bates, Beachnau Alternate
GAYLORD CITY COMMISSION	Bates, Beachnau Alternate
M.A.C./WORKER COMP/RISK MGMT	Johnson
M.S.U. EXTENSION	Johnson, Backenstose Alternate
NEMC	Glasser, Johnson Alternate
NEMCOG	Liss, Beachnau Alternate
NEMCSA	Glasser, Johnson Alternate
NMSAS	Olsen, Bentz Alternate
OCHSCB and F.I.A.	Backenstose, Bentz Alternate
PIGEON RIVER ADVISORY/ZONING	Glasser, Beachnau Alternate
TOWNSHIP ASSOCIATION	Backenstose, Hyde Alternate
COMMUNITY CORRECTIONS	Liss, Hyde Alternate

ELECTED OFFICIALS' LIAISONS

CLERK/REGISTER OF DEEDS	Beachnau
PROSECUTING ATTORNEY	Liss
SHERIFF	Bentz
TREASURER	Olsen

*Elected Officials will be scheduled for quarterly reports to the Board of Commissioners on a rotating basis.



**HEALTH CARE SAVINGS PROGRAM
UNIFORM RESOLUTION**

Otsego County

(Participating Employer)

**Municipal Employees' Retirement System of Michigan
1134 Municipal Way
Lansing, MI 48917
517-703-9030**

Restated: March 13, 2007
(Adopted: May 14, 2003, amended
August 11, 2004, restated November
15, 2005)

**UNIFORM RESOLUTION ADOPTING THE MERS
HEALTH CARE SAVINGS PROGRAM**

(Excluding Plans Governed by Internal Revenue Code Section 401(h))

WHEREAS, the Municipal Employees' Retirement System ("MERS") Plan Document of 1996, effective October 1, 1996, authorized the Municipal Employees' Retirement Board ("Board") to establish additional programs including but not limited to defined benefit and defined contribution program (MERS Plan Document Section 36(2)(a)); MCL 38.1536(2)(a));

WHEREAS, the Board has authorized MERS' establishment of the health care savings program ("HCSP" or "Program"), which a participating municipality or court, or another eligible public employer that is a political subdivision of the State which constitutes a "municipality" under MERS Plan Document Section 2B(4); MCL 38.1502b(2) ("Eligible Employer"), may adopt for its Eligible Employees;

WHEREAS, MERS has been determined by the Internal Revenue Service to be a tax-qualified "governmental plan" and trust under section 401(a) of the Internal Revenue Code of 1986, and all trust assets within MERS reserves are therefore exempt from taxation under Code section 501(a) (IRS Letter of Favorable Determination dated June 15, 2005).

WHEREAS, the Board has established a governmental trust (the "Trust Fund") to hold the assets of the HCSP, which Trust Fund shall be administered under the discretion of the Board as fiduciary, directly by (or through a combination of) MERS or MERS' duly-appointed Program Administrator;

WHEREAS, 1999 PA 149, the Public Employee Health Care Fund Investment Act, MCL 38.1211 *et seq.* ("PA 149") provides for the creation by a public corporation of a public employee health care fund, and its administration, investment, and management, in order to accumulate funds to provide for the funding of health benefits for retirees and beneficiaries;

WHEREAS, a separate MERS health care trust fund created under PA 149 also constitutes a governmental trust established by a public corporation ("municipality") as an Eligible Employer, provided that all such employers shall be the State of Michigan, its political subdivisions, and any public entity the income of which is excluded from gross income under Section 115 of the Internal Revenue Code; provided further, that the PA 149 trust shall not accept assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code;

WHEREAS, the Board acts as investment fiduciary for the pooled assets of each MERS participating municipality and court enrolled in MERS defined benefit programs, Health Care Savings Program, the Retiree Health Funding Vehicle, and the Investment Services Pool Program, on whose behalf MERS performs all plan administration and investment functions, and such participating municipalities and courts have full membership, representation and voting rights at the Annual Meeting as provided under Plan Section 45; MCL 38.1545.

WHEREAS, the Board also acts as investment fiduciary for those participating employers who are non-MERS participating municipalities and courts that have adopted the

MERS Health Care Savings Program, Retiree Health Funding Vehicle, or Investment Service Pool Program, and such entities are not accorded membership, representation or voting rights provided to MERS participating municipalities and courts at the Annual meeting under Plan Section 45; MCL 38.1545.

WHEREAS, adoption of this Uniform Resolution and Participation Agreement (the "Uniform Resolution") by each Eligible Employer is necessary and required in order that the benefits available under the MERS HCSP may be extended;

- It is expressly agreed and understood as an integral and nonseverable part of extension or continuation of coverage under this HCSP Resolution that Section 43B of the MERS Plan Document shall not apply to this Uniform Resolution Adopting MERS HCSP, the Participation Agreement, the Trust Plan Document, the Trust Agreement, and their administration or interpretation.
- In the event any alteration of the language, terms or conditions stated in this Uniform Resolution Adopting MERS HCSP is made or occurs, under MERS Plan Document Section 43B or other plan provision or other law, it is expressly recognized that MERS and the Board, as fiduciary of the MERS Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty: to administer (or to have administered) the Trust; or to continue administration by the Program Administrator or by MERS directly.

WHEREAS, concurrent with this HCSP Uniform Resolution, and as a continuing obligation, this governing body has completed, approved, and submitted to MERS documents necessary for participation in and implementation of the HCSP. This obligation applies to any documents deemed necessary to the operation of the Trust by the Program Administrator;

NOW, THEREFORE, BE IT RESOLVED that the governing body adopts (or readopts) the MERS HCSP as provided below.

SECTION 1. HCSP PARTICIPATION

EFFECTIVE November 1, 2007, the MERS HCSP is hereby adopted by the County of Otsego
(MERS municipality or court or other eligible employer)

CONTRIBUTIONS. Basic Employer contributions, Mandatory Salary Reduction Contributions, Mandatory Leave Conversion Contributions, and Post-tax Employee Contributions, shall be remitted pursuant to MERS by the Eligible Employer, and credited to the Eligible Employer's separate fund within the MERS Trust Fund. Employer contributions may be made as a percentage of salary and/or by a specified dollar amount.

INVESTMENT of funds accumulated and held in the Health Care Savings Program Trust Fund shall be held in a separate reserve and invested on a pooled basis by MERS subject to

the Public Employee Retirement System Investment Act ("PERSIA"), 1965 PA 314, as provided by MERS Plan Document Section 39; MCL 38.1539, and PA 149.

THE ELIGIBLE EMPLOYER shall abide by the terms of the HCSP, including all investment, administration, and service agreements, and all applicable provisions of the Code and other law. It is affirmed that no assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code shall be transferred to, or accepted by, MERS.

SECTION 2. IMPLEMENTATION DIRECTIONS FOR MERS AS HCSP INVESTMENT FIDUCIARY AND TRUSTEE

- (A) The governing body of this Eligible Employer desires that all assets placed in its MERS HCSP Trust Fund (as a sub-fund within all pooled HCSP trust funds with MERS) be administered by MERS, which shall act as investment fiduciary with all powers provided under Public Employee Retirement System Investment Act, pursuant to PA 149, all applicable provisions of the Internal Revenue Code and other relevant law.
- (B) The governing body desires, and MERS upon its approval of this Resolution agrees, that all funds accumulated and held in the MERS HCSP Trust Fund shall be invested and managed by MERS within the collective and commingled investment of all HCSP funds held in trust for all Eligible Employers.
- (C) All monies in the MERS HCSP Trust Fund (and any earnings thereon, positive or negative) shall be held and invested for the sole purpose of paying health care benefits for the exclusive benefit of "Eligible Employees" who shall constitute "qualified persons" who have retired or separated from employment with the Eligible Employer, and for any expenses of administration, and shall not be used for any other purpose, and shall not be distributed to the State.
- (D) The Eligible Employer will fund on a defined contribution, individual account, basis its MERS HCSP Trust sub-fund to provide funds for health care benefits for "Eligible Employees" who shall constitute "qualified persons." Participation in and any coverage under HCSP shall not constitute nor be construed to constitute an "accrued financial benefit" under Article 9 Section 24 of the Michigan Constitution of 1963.
- (E) The Eligible Employer designates and incorporates as "Eligible Employees" who shall constitute "qualified persons" under this HCSP Resolution those who are "Eligible Employees as defined in the HCSP Participation Agreement under this HCSP.
- (F) The Human Resources Director (Use title of official, not name) shall be the Eligible Employer's HCSP Coordinator; shall designate in writing the "qualified persons" on whose behalf trust fund monies shall be made available under any MERS (or non-MERS) retiree health care benefit program, including, but not limited to, MERS HCSP, or MERS Premier Health; receive necessary

reports, notices, etc.; shall act on behalf of the Eligible Employer; and may delegate any administrative duties relating to the Fund to appropriate departments.

- (G) Fees and Expenses for the MERS HCSP are contained in Addendum A to this Resolution.

SECTION 3. EFFECTIVENESS OF THIS HCSP UNIFORM RESOLUTION

This Resolution shall have no legal effect until a certified copy of this adopting Resolution shall be filed with MERS, and MERS determines that all necessary requirements under MERS Plan Document Section 36(2)(a), 1999 PA 149 and other relevant laws, and this Resolution have been met. Upon MERS' determination that all necessary documents have been submitted, MERS shall record its formal approval upon this Resolution, and return a copy to the Eligible Employer's HCSP Coordinator as identified above.

In the event an amendatory resolution or other action by the Eligible Employer is required by MERS, 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 Program Administrator if necessary). Section 54 of the MERS 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 the Uniform Resolution Adopting The MERS Health Care Savings Program, adopted at the official meeting held by the governing body of this municipality:

On September 25, 2007 _____
(Signature of authorized official)

Please send MERS fully executed copy of:

1. This HCSP Uniform Resolution;
2. Participation Agreement;
3. Certified minutes stating Governing Body approval; and
4. Union contract language and/or personnel policy.

**RECEIVED AND APPROVED BY THE MUNICIPAL EMPLOYEES'
RETIREMENT SYSTEM OF MICHIGAN**

Dated: _____, 20_____
(Authorized MERS signatory)

ADDENDUM A

Fees and Expenses for the MERS HCSP are as follows:

(a) The administrative fee is \$25 per year and 50 basis points (50 hundredths of 1 percent). The basis point fee will be applied by MERS to the fair market value of assets determined as of the first business day of each month. The fees will be deducted from the individual's account. A quarterly statement will be provided following each quarter.

(b) The administrative fee is separate from and does not include underlying investment management expenses netted from all MERS trust funds under investment on a daily valuation basis.

Dated: September 25, 2007

(Signature of authorized official)

(Title)

**RECEIVED AND APPROVED BY THE MUNICIPAL EMPLOYEES'
RETIREMENT SYSTEM OF MICHIGAN**

Dated: _____, 20____

(Authorized MERS HCSP signatory)

The County is offering a post employment health care savings plan to all POLC union employees and current employees opt out of the monthly employer contribution for retiree health care until Medicare age.

Program Summary: The post-employment Health Care Savings Program (HCSP) is an employer-sponsored savings account designed for you and your spouse and/or legal dependents to set aside money to cover the escalating costs of post-employment health care. Under the program, contributions are made while you are an active employee and then once you leave employment with the County regardless of the reason you leave or the age you leave, you may be reimbursed for healthcare related expenses (i.e. insurance premiums, doctor co-pays, cobra, drug co-pays, many over-the-counter medications, etc.).

Basic Employer Contribution:

The county will contribute \$40 per month into the HCSP. A one year vesting cycle will apply.

Mandatory Salary Reduction Contribution:

All employees will contribute \$40 per month in the HCSP.

Personal Leave Contribution:

Two weeks prior to November 30th, employees may choose to cash out eligible personal leave. As of the date of November 30th however, 100% of eligible personal leave will be contributed to the MERS HCSP

Post-Tax Employee Contributions

Employees can make Post-Tax voluntary contributions to the MERS HCSP.



**HEALTH CARE SAVINGS PROGRAM
PARTICIPATION AGREEMENT**

Otsego County

(Participating Employer)

**Municipal Employees' Retirement System of Michigan
1134 Municipal Way
Lansing, MI 48917
517-703-9030**

**Restated: November 15, 2005
(Approved May 14, 2003 and
amended August 19, 2004)**

HEALTH CARE SAVINGS PROGRAM EMPLOYER

Effective Date of this Participation Agreement November 1, 2007

Health Care Savings Program Coordinator (Name and title) Trisha Adam, Human Resources Director

Address 225 W. Main Street Gaylord, MI 49735-0537

Phone (989) 731 - 7522 Facsimile (989) 731 - 7529

E-mail tadam@otsegocountymi.gov

COVERED EMPLOYEE GROUPS

A participating Employer may cover all of its employee groups, bargaining units or personnel/employee classifications ("Covered Group"), in Health Care Savings Program or select from the listing below. **Contributions shall be made on the same basis within each Covered Group identified by this agreement, and remitted as directed by the Program Administrator.** If the Employer has varying coverage or contribution structures between groups, a separate agreement will need to be completed for each covered group. This agreement encompasses the group(s) listed below:

All Eligible Employees within the following bargaining unit(s) or personnel/employee classification(s) (must specify below, e.g., MERS Division 1; All Police & Fire; or Police Command):

All POLC Division 20 employees hired after July 1, 2007 and current employees that
opted out of the monthly employer contribution for retiree health care until Medicare age

ELIGIBLE EMPLOYEES

Only Employees of a "municipality" may be covered by the Health Care Savings Program Participation Agreement. Independent contractors may not participate in the Health Care Savings Program. 2. Subject to other conditions in the Trust Document and this Participation Agreement, the following Covered Group of Employees are deemed to be "qualified persons" eligible to participate in the Health Care Savings Program:

Check one or both:

- With respect to Covered Groups, this Participation Agreement covers all employees who are in a collective bargaining unit, subject to the terms of the collective bargaining agreement.

- With respect to Covered Groups, this Participation Agreement covers all employees who are subject to the same personnel policy, according to the terms of the policy.

The Employer shall provide MERS with the name, address, Social Security Number, and date of birth for each Eligible Employee, as defined by the Participation Agreement on Employee Enrollment and Beneficiary Designation forms to be provided by MERS Health Care Savings Program.

EMPLOYER CONTRIBUTIONS TO THE HEALTH CARE SAVINGS PROGRAM

The Participating Employer hereby elects to make contributions to the Trust. Once you have determined the contribution structure, language should be added in the appropriate area below. Contributions shall be made on the same basis within each Covered Group specified in this agreement, and remitted to MERS as directed by the Program Administrator along with the Participation Report, to be credited to the individual accounts of Eligible Employees as follows:

Check one or more, as applicable:

- Basic Employer (Before-Tax) Contributions**

These employer contributions may be made as a percentage of salary and/or by a specified dollar amount. Identify below the basic employer contribution formula to be applied to the covered groups within the Health Care Savings Program identified in this agreement.

Contribution structure (specify): Employees with receive \$40 per month from the
employer into their HCSP.

- Vesting Cycle For Basic Employer Contributions Only**

The employer contributions identified in this Participation Agreement are subject to the following vesting cycle.

Years of Service	Percentage Vested
<hr/>	<hr/>
1	100%

FORFEITURE PROVISION. Upon separation from the service with the Employer prior to meeting required vesting schedule set out above, or upon Death of the Participant, prior to meeting the required vesting schedule, a Participant's account assets shall:

Check only one, as applicable:

- Remain in the HCSP sub-trust to be reallocated among all Plan Participants in on equal dollar basis
- Remain in the HCSP sub-trust to be used to offset future Employer Contributions
- Be transferred to the Employer's Health Funding Vehicle ("RHFV").

Mandatory Salary Reduction (Before-Tax) Contributions

Before-tax Employer Contributions to the Health Care Savings Program Sub-Trust shall be made that represent a mandatory salary reduction resulting from collective bargaining or the establishment of a personnel policy. These reductions may be made as a percentage of salary or a specific dollar amount.

Contribution structure (specify): All employees will contribute \$40 per month into the
MERS HCSP.

Mandatory Leave Conversion (Before-Tax) Contributions

Before-tax Employer Contributions to the Health Care Savings Program Sub-Trust shall be made that represent a mandatory conversion of accrued leave including, but not limited to vacation, holiday, sick leave, or severance amounts otherwise paid out, to a cash contribution. These contributions may be calculated as a percentage of accrued leave or a specific dollar amount representing the accrued leave. Leave conversions may be made on an annual basis or at separation from service, or at such other time as the Employer indicates. *(Note: The leave conversion program shall not permit employees the option of receiving cash in lieu of the employer contribution.)*

The following type of leave shall be converted to an employer cash contribution to Health Care Savings Program:

Check one or more, as applicable:

Vacation Leave Conversion Contribution Structure:

As of _____, _____% of vacation leave must be contributed to HCSP.
(Annual Date or X weeks prior to termination)

Other (specify): _____

Sick Leave Conversion Contribution Structure:

As of _____, _____ % of sick leave must be contributed to HCSP.
(Annual Date or X weeks prior to termination)

Other (specify): _____

Personal Leave Conversion Contribution Structure:

As of November 30th, 100 % of personal leave must be contributed to HCSP.
(Annual Date or X weeks prior to termination)

Other (specify): _____

Severance Pay Conversion Contribution Structure:

As of _____, _____ % of severance pay must be contributed to HCSP.
(Annual Date or X weeks prior to termination)

Other (specify): _____

Post-Tax Employee Contributions

The Participating Employer hereby elects to permit post-tax Employee Contributions to be made by Eligible Employees within the Covered Group(s), which shall be remitted as directed by the Program Administrator, to be credited to the individual accounts of Eligible Employees. All Employee Contributions must be remitted to MERS along with the Participation Report.

MODIFICATION OF THE TERMS OF THE PARTICIPATION AGREEMENT

If a Participating Employer desires to amend any of its previous elections contained in this Participation Agreement, including attachments, the Governing Body by official action must adopt a new Participation Agreement and forward it to the Board for approval. The amendment of the new Participation Agreement is not effective until approved by the Board and other procedures required by the Trust Plan Document have been implemented.

STATE LAW

To the extent not preempted by federal law, this agreement shall be interpreted in accordance with Michigan law.

TERMINATION OF THE PARTICIPATION AGREEMENT

This Participation Agreement may be terminated only in accordance with the Trust Plan Document.

EXECUTION BY GOVERNING BODY OF MUNICIPALITY

The foregoing Participation Agreement is hereby adopted and approved on the 25th day of September, 2007.

GOVERNING BODY

County of Otsego
Name of Employer

Signed _____

Printed Name _____

Title _____

Date of Signature _____

MERS APPROVAL

The Participation Agreement is approved by MERS. Contributions shall first be remitted beginning with the month of _____, 20____.

Dated: _____, 20____

By _____
(Authorized MERS signatory)

Title _____

RESOLUTION NO. OCR 07-40
Resolution of Support to Retain
Long Term Care Ombudsman Program
(NEMCSA)

OTSEGO COUNTY BOARD OF COMMISSIONERS
September 25, 2007

WHEREAS, the Long Term Care Ombudsman Program was established to help address the quality of care and quality of life experience by residents of long-term care facilities; and

WHEREAS, it is the responsibility of the Long Term Care Ombudsman to protect the rights of these individuals by providing information, investigation and advocacy; and

WHEREAS, the Michigan Office of Services to the Aging has proposed restructuring of the Long Term Care Ombudsman Program to become a separate, single agency rather than the current multi-party arrangement; and

WHEREAS, the Region 9 Area Agency on Aging has supplemented the cost of a full-time Ombudsman for the northeast Michigan region, the current state level of funding of \$115,000 from Title III-B allocation will not support a full-time Ombudsman for each Area Agency on Aging region in the state; and

WHEREAS, the Region 9 Area Agency on Aging has developed an effective volunteer program within long-term care facilities to explain residents' rights, empower residents to communicate their concerns individually or collectively, assist in the resolution of resident concerns; and

WHEREAS, local control and oversight of the Long Term Care Ombudsman Program has provided for efficient, effective assistance to nursing facility residents as well as community education and awareness regarding long term care issues, now, therefore, be it

RESOLVED, that the Otsego County Board of Commissioners expresses its desire and support for retaining the Long Term Care Ombudsman Program as a locally administered program; and be it further

RESOLVED, that after adoption, this resolution be forwarded on to the appropriate State elected officials and governmental entities.