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TO: Barbara Levin Bergman  
Chair, Ways & Means Committee

THROUGH: Robert E. Guenzel  
County Administrator

FROM: Mark R. Lindke, Director  
Veteran Services

DATE: October 1, 2008

SUBJECT: Reorganization of County Veteran Services

**BOARD ACTION REQUESTED:**

Administration and Veteran Services requests that the Board of Commissioners reorganize the County's Veteran's Services Department as follows: (1) create a Washtenaw County Department of Veterans' Affairs; (2) create the Washtenaw County Veterans' Affairs Committee to be comprised of 5 veterans appointed by the Board of Commissioners upon the advisory recommendation of the Washtenaw County Council of Veterans; (3) acknowledge that under State law, the County Department of Veterans' Affairs supersedes and replaces the Soldiers Relief Commission; and (4) authorize the County Administrator, upon review of Corporation Counsel, to sign any amendments to the existing contract between the County and the Washtenaw County Council of Veterans which may be required as a result of the reorganization of Veteran Services.

**BACKGROUND:**

The County's Veteran Services Department is currently organized under Public Act 77 of 1945 (MCLA 35.11). This section provides that, "[w]hensoever any local council of veterans' affairs has been or shall be established in any county, city, village or township, or jointly, the legislative body of any such county, city village or township is hereby authorized to appropriate from time to time, such sums of money as it may determine, for the operation of any such local council of veterans' affairs."

In Washtenaw County, shortly after World War II, each local community within the County had at least one counseling center to assist returning veterans. In early 1948, a group of interested citizens recognized the need for a less bureaucratic method for veterans and dependents or survivors to apply for and receive assistance. Representatives from each post of every veteran's organization in the County were

invited to discuss this issue; as a result of these meetings, the parties organized the "Washtenaw County Council of Veterans." One of the first objectives of the Council was to establish a one-stop "Veterans Services Division." To that extent, on January 1, 1950, a one-stop Center was opened, funded by an appropriation from the Washtenaw County Board of Supervisors. This one-stop Veterans Services Division has been continually funded by the Board of Supervisors/Commissioners as a County Department since 1950. In fact, on January 9, 1981, in an attempt to clarify the relationship between the Council of Veterans and the Board of Commissioners, the parties executed a contract stating clearly that in lieu of giving financial appropriation to the Washtenaw County Council of Veterans pursuant to Public Act 77 of 1945, the parties agreed that the County would contribute services in the form of the Veteran Services Department. This agreement simply restated in contract form what had been occurring since 1950.

In 1953, the Michigan Legislature enacted Public Act 192 (MCLA 35.621 et seq) which explicitly provided for a different structure to govern a county's obligation to provide veteran services to its constituents. Under this Act, a county is permitted, but not required, to establish a department of veterans' affairs. This department is to be administered by a county department of veterans' affairs committee to be comprised of between 3 and 5 veterans, appointed by the county board of commissioners, upon the advisory recommendation of the local council of veterans. No more than two members of the committee shall be from the same war or conflict. The initial terms of the members of the veteran affairs committee are to be staggered in such a manner that no more than two vacancies will occur in any particular year.

Under this Act, the veterans' affairs committee has the authority to oversee a county veterans' services department. The Committee is authorized to incur such expenses as shall be necessary to carry out the provisions of the Act, within the budget established by the Board of Commissioners. Likewise, the Committee has the authority to appoint a veterans service officer and other individuals needed to provide the veteran's services required by the Act again provided such appointments are within the budget approved by the Board of Commissioners.

It should also be noted that under Michigan law, once a county board of commissioners establishes a county department of veterans' affairs, the soldiers relief commission ("SRC") is automatically abolished and the department of veterans' affairs assumes all of the duties previously handled by the SRC under Michigan law. Thus, the county veterans' affairs committee would oversee every aspect of veteran services provided within the county. The county department of veterans' affairs, however, would have all of the statutory powers and duties previously given to the SRC, including the authority to determine whether claims for indigent veteran services were valid and how much should be paid for each claim.

As explained more fully above, from 1948 through 1950, the Washtenaw County Council of Veterans worked closely with the Washtenaw County Board of Supervisors to create the Veterans Services Division which was funded by the County. Washtenaw County did not adopt the Public Act 192 structure when the law was enacted in 1953,

presumably because the parties had just gone through a two-year period (1948-1950) which culminated in the creation of the Veterans Services Division which was fully funded by the County Board of Supervisors pursuant to Public Act 77 of 1945. A review of how veteran services are currently provided within the State, however, reveals that only a handful of counties do not follow the Public Act 192 organizational set-up.

### **DISCUSSION:**

Approval of the pending Resolution will provide a clear organizational structure for providing veteran services within Washtenaw County. Under the current Public Act 77 structure, the County's Veteran Services Department has evolved from a creation of the local Council of Veterans into a County Department. A review of the history of this evolution demonstrates that it is not entirely clear when the entity created by the Local Council of Veterans actually became recognized as a County Department. The proposed reorganization under PA 192 will remove any questions about the status of Veterans Services as a County Department as the Act explicitly provides for the Board of Commissioners to approve the creation of a County Department of Veterans' Affairs.

Another advantage to the reorganization is that it will provide the Board of Commissioners with more oversight over the Department as a whole. Under Public Act 192, the County's Department of Veterans' Affairs ("Department of Veterans' Affairs") would be administered by the Washtenaw County Veterans' Affairs Committee ("Committee"). The 3 to 5 members of the Committee are appointed by the Board of Commissioners upon the advisory recommendation of the local Council of Veterans. Committee members must be veterans who are residents of Washtenaw County and who have either honorably served on active duty in the United States armed forces or actively served the United States armed forces in a time of war or received an armed forces campaign or service medal. No matter what criteria are used to appoint the members of the Committee, they are accountable to the Board of Commissioners that appointed them. The Resolution recommends the approval of a 5 person Committee.

Under Public Act 192, the Committee would have the power to appoint a veteran services officer and other individuals to provide veteran services throughout the County. This power, however, is tempered by the explicit statutory condition that such appointments fit within the Department of Veterans' Affairs budget established by the Board of Commissioners. It is anticipated that if a Committee were approved by the Board of Commissioners, it would appoint the current members of the County's Veterans Services staff to continue to provide such services for the County.

In addition, under Michigan law, once the Department of Veterans' Affairs is approved by the Board of Commissioners, it supersedes the Soldiers Relief Commission ("SRC") and all of the powers and duties of the SRC under Michigan law are transferred to the Department of Veterans' Affairs. The SRC is then dissolved. The proposed Resolution of Reorganization recognizes this orderly transfer of powers and duties mandated by the statute.

It should also be noted that SRC members are appointed by the probate judge within the County, not the Board of Commissioners. Under the proposed reorganization, the Committee, which will oversee the entire veterans program for the County, will be comprised of members appointed by the Board of Commissioners.

If the reorganization is approved, it is anticipated that the actual appointment of the Committee members will occur later in the year. This will give the local Council of Veterans time to make their advisory recommendations on who should serve on the Committee. A Resolution appointing the members and establishing their initial terms would be prepared for the Board of Commissioners' approval. The effective date of the reorganization, including the transition from the SRC to the Department of Veterans' Affairs, would be January 1, 2009.

Finally, the Resolution of Reorganization provides the County Administrator with the authority, upon the review of Corporation Counsel, to sign any amendments to the existing 1981 contract with the Local Council of Veterans to reflect the new organizational structure as approved by the Board of Commissioners. It is anticipated that any changes to this contract would be ministerial and would not lessen or in any way negatively impact the current excellent relationship between the County, the County's Veterans Services and the Local Council of Veterans.

**IMPACT ON HUMAN RESOURCES:**

Approval of the Resolution will result in the creation of a 5 person Veterans' Affairs Committee which will have the authority to appoint a Veterans Services Officer and other County employees within the budget established by the Board of Commissioners for the County Department of Veterans' Affairs. It is anticipated that the Committee would appoint the current members of the County's Veteran Services Staff to insure the seamless provision of services to County veterans.

**IMPACT ON BUDGET:**

The Veterans' Affairs Committee, once established, must operate within the budget established by the Board of Commissioners for the County Department of Veterans' Affairs. Accordingly, approval of the Resolution will have no impact on the budget.

**IMPACT ON INDIRECT COSTS:**

The members of the Veterans' Affairs Committee are entitled by statute to receive the same per diems and mileage as are given to the Board of Commissioners.

**IMPACT ON OTHER COUNTY DEPARTMENTS OR OUTSIDE AGENCIES:**

Approval of the Resolution will require an amendment to the current agreement with the Washtenaw County Local Council of Veterans to reflect the new organizational structure establishing the Department of Veterans' Affairs as well as the Veterans' Affairs Committee.

**CONFORMITY TO COUNTY POLICIES:**

This Resolution conforms to all County Policies.

A RESOLUTION APPROVING THE REORGANIZATION OF THE WASHTENAW COUNTY VETERAN SERVICES DEPARTMENT TO COMPLY WITH PUBLIC ACT 192 (MCLA 35.621 et seq)

WASHTENAW COUNTY BOARD OF COMMISSIONERS

OCTOBER 15, 2008

WHEREAS, Washtenaw County's Veteran Services is currently organized pursuant to Public Act 77 of 1945 (MCLA 35.11); and

WHEREAS, Public Act 77 of 1945 simply states that whenever any county has established a local council of veterans' affairs, the legislative body of that county is authorized to provide funds for the operation of that local council; and

WHEREAS, the Veterans Service Division was originally created by the Washtenaw County Local Council of Veterans on January 1, 1950 as a one-stop center to simplify the process for veterans to apply for and receive benefits; and

WHEREAS, because the County funded the Veterans Service Division, pursuant to Public Act 77, it evolved into the County Veteran Services Department; and

WHEREAS, in an attempt to remove any confusion about the relative roles of the County and the Council of Veterans concerning the Veteran Services Department, on January 9, 1981, the County and the Council of Veterans executed a contract indicating, in part, that in lieu of giving funding to the Council of Veterans, the County would contribute services in the form of personnel to operate the Veterans Services Department; and

WHEREAS, in 1953, the Michigan Legislature enacted Public Act 192 (MCLA 35.621 et seq) which explicitly provided for a different structure to govern a County's obligation to provide veteran services to its constituents; and

WHEREAS, Public Act 192 provides that a County may establish a Department of Veterans' Affairs ("Department of Veterans' Affairs") to be administered by a County Department of Veterans' Affairs Committee ("Committee") comprised of 3 to 5 veterans to be appointed by the local County Board of Commissioners upon the advisory recommendation of the Local Council of Veterans; and

WHEREAS, to be eligible to serve on the Committee, a person must be a resident of the County who has honorably served the United States either in active duty military service or in wartime, or who has received an armed forces campaign or service medal; and

WHEREAS, once created under Public Act 192, the Committee would have the authority to incur expenses and to appoint a veteran services officer and other individuals to assist in carrying out the veterans services in the county, provided,

however, that such expenses and appointments must come within the budget established by the County Board of Commissioners for the County Department of Veterans' Affairs; and

WHEREAS, while the Soldiers Relief Commission ("SRC") is generally given the oversight of the Indigent Veterans Millage funding under the Veterans Relief Fund Act, (MCLA 35.21 et seq), Michigan law specifically states that once a County Board of Commissioners creates a Department of Veterans' Affairs under Public Act 192, the Department of Veterans' Affairs supersedes the SRC, all of the powers and duties of the SRC under Michigan law are transferred to the Department of Veterans' Affairs and the SRC is dissolved (MCLA 35.622); and

WHEREAS, the vast majority of Michigan Counties have organized their veterans services pursuant to Public Act 192 because it provides a more transparent chain of command from the County Board of Commissioners through the County Department of Veterans' Affairs Committee to the County's Department of Veterans' Affairs; and

WHEREAS, Washtenaw County's Veteran Services, after extensive study and review of the issues with County Administration and Corporation Counsel, have concluded that it is in the best interest of County veterans for the County to reorganize its provision of veteran services consistent with Public Act 192 and recommends that the Board of Commissioners take the following action: (1) create the Washtenaw County Department of Veterans' Affairs; (2) create the Washtenaw County Veterans' Affairs Committee to be comprised of 5 veterans to be appointed by the Board of Commissioners upon the advisory recommendation of the Washtenaw County Council of Veterans; (3) acknowledge that under State law, once the Board of Commissioners creates the Washtenaw County Department of Veterans' Affairs, all of the powers and duties of the Soldiers Relief Commission under Michigan law, including the power to approve expenditures for indigent veteran claims, are transferred to the Department of Veterans' Affairs and the Soldiers Relief Commission is dissolved; and (4) authorize the County Administrator, upon review of Corporation Counsel, to sign any amendments to the existing contract between the County and the local Council of Veterans which may be required as a result of the reorganization.

NOW THEREFORE, BE IT RESOLVED that the Washtenaw County Board of Commissioners hereby expresses its intent to reorganize the County's Veteran Services Department consistent with the provisions of Public Act 192 (MCLA 35.621 et seq) effective January 1, 2009.

BE IT FURTHER RESOLVED that to complete the reorganization of the County's Veteran Services Department, the Washtenaw County Board of Commissioners approves the following actions: (1) creation of the Washtenaw County Department of Veterans' Affairs; (2) creation of the Washtenaw County Veterans' Affairs Committee to be comprised of 5 veterans to be appointed by the Board of Commissioners upon the advisory recommendation of the Washtenaw County Council of Veterans; (3) acknowledgment that under State law, once the Washtenaw County Department of

Veterans' Affairs becomes effective, all of the powers and duties of the Soldiers Relief Commission under Michigan law, including the power to approve expenditures for indigent veteran claims, are transferred to the Department of Veterans' Affairs and the Soldiers Relief Commission is dissolved; and (4) authorization of the County Administrator, upon review of Corporation Counsel, to sign any amendments to the existing contract between the County and the local Council of Veterans which may be required as a result of the reorganization.

BE IT FURTHER RESOLVED that the Board of Commissioners directs the Veterans Services Director to contact the Washtenaw County Local Council of Veterans to obtain its advisory recommendation for the 5 members of the Washtenaw County Veterans' Affairs Committee.