



County Mandated/ Discretionary Services

Board Working Session: March 5, 2009

Budget Development Timeline

- ▶ Information Sharing & Input from BOC
 - ▶ **Financial State of County (Done)**
 - ▶ **Review Revenues (Done; amend in April)**
 - ▶ **Mandated & Non-Mandated Services (Tonight)**
 - ▶ Community Needs & Major Expenditures (March 19)
 - ▶ Employee Compensation & Benefit Levels (April 1)
 - ▶ Outside Agency Allocation & Integrated Funding (April 2)
 - ▶ Support to Non General Fund (April 15)
 - ▶ Regionalism, Shared Services & Government Efficiency (April 16)
- ▶ Development of budget options with organization
- ▶ Round 1 Recommended Budget Reductions to BOC on June 3



Purpose

- ▶ Request of Commissioners
- ▶ Identify what services are mandated
 - ▶ Generally, “Must” or “Shall” or “is required” will be in a statute or other authority
 - ▶ Mandates require a service be delivered but rarely require *how* service is delivered
- ▶ Designed as an objective exercise – not intended to identify quality or community needs or level of funding



What is a mandate?

- ▶ US Constitution
- ▶ Michigan Constitution
- ▶ MCL: Michigan Compiled Law; MCLA: Michigan Compiled Law Annotated (same as MCL); PA: Public Act
- ▶ MCR: Michigan Court Rule
- ▶ Michigan Supreme Court Administrative Order
- ▶ Administrative Code (state code)
- ▶ USC: United States Code (federal statute)
 - ▶ Popular name usually cited
 - ▶ Examples include OSHA, FMLA, etc.
- ▶ CFR: Code of Federal Regulations



Board of Commissioner Discretion

- ▶ Court of Appeals: “serviceability” standard
- ▶ Decisions are a subjective exercise
- ▶ Local authority of Board of Commissioners
 - ▶ Level of funding
 - ▶ How service is delivered
 - ▶ Who delivers service
 - ▶ Quality of service
- ▶ Some mandates include penalties associated with non-compliance



Serviceability

- ▶ “A serviceable level is not met when the failure to fund eliminates the function or creates an emergency immediately threatening the existence of the function. A serviceable level is not the optimal level. A function funded at a serviceable level will be carried out in a barely adequate manner, but it will be carried out. A function funded below a serviceable level, however, will not be fulfilled as required by statute.”

Calahan, et al. v. Wayne County Board of Commissioners, 93 Mich App 114 (1979)



Other Considerations

▶ Enabling Legislation

- ▶ Allows for service provision but statute lacks “shall” or “must”
- ▶ E-911, Head Start, Parks, Community Corrections, etc.

▶ Special Millages

- ▶ BOC can choose to levy a portion or none of the millage
- ▶ Parks operating, parks land acquisition, natural features, 800 MHz, Veterans Relief

▶ Contracts

- ▶ Legally binding by choice
- ▶ Police services, assessments, Support Services, etc.

▶ Grants

- ▶ Administratively similar to contract
- ▶ Leveraging dollars (many grants require local match)
- ▶ Urban County, Emergency Management, etc.

▶ Maintenance of Effort



Report Development Process

- ▶ Department heads submitted information
 - ▶ What the mandate is; cite the public act
 - ▶ Narratives supplied in most cases
- ▶ Corporation Counsel indicated whether agreed with mandate
- ▶ Administration reviewed according to other counties
- ▶ Outside agencies not included in analysis (April 2)



How to Use Report

- ▶ Functions are mandated, how and where service is provided is rarely mandated
- ▶ “Serviceability” is a subjective standard
- ▶ Funding function is different than funding a department
- ▶ Local choice – significant variance exists among counties in level funding of mandated service



Supporting Documents

- ▶ 2008-2009: Washtenaw County Budget Summary [\(Section F\)](#)
- ▶ 2007: [Kent County Mandated and Discretionary Functions](#)
- ▶ 2004: [The Functions of Kalamazoo County Government](#)
- ▶ 2002: MSU Extension Public Policy Brief: Understanding the Mandated Service Argument: A Primer for County Commissioners



Next Steps

- ▶ Continue review of mandated & non-mandated services including total costs and funding source in March 19th presentation “Community Needs & Major Expenditures”
- ▶ Administration work with departments to identify options to reduce expenditures in both mandated and non-mandated services
- ▶ Use comparables, best practices and organization’s input to identify restructuring opportunities



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