



# BOARD OF COMMISSIONERS

1 S. Main St., 9<sup>th</sup> Floor  
Mount Clemens, Michigan 48043  
586.469.5125 FAX 586.469.5993  
macombcountymi.gov/boardofcommissioners

## ECONOMIC DEVELOPMENT COMMITTEE

FRIDAY, APRIL 20, 2012

### SPECIAL AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Adoption of Agenda, as amended, to include item #4A
4. Approval of Minutes Dated March 14, 2012 (previously distributed)
- 4A. Comments from the Chair (information attached for informational purposes)
5. Public Participation (five minutes maximum per speaker, or longer at the discretion of the Chairperson related only to issues contained on the agenda)
6. Reconsider the Vote Taken on April 11, 2012 Regarding the Publication of the Proposed Articles of Incorporation of the Macomb County Art Institute Authority
7. Authorize the Publication of the Proposed Articles of Incorporation of the Macomb County Art Institute Authority; and forward to the **special** Full Board meeting on Tuesday, April 24, 2012 at 6 p.m. (mailed)
8. New Business
9. Public Participation (five minutes maximum per speaker or longer at the discretion of the Chairperson)
10. Adjournment

**MEMBERS: Carabelli-Co-Chair, Flynn-Co-Chair, Miller, Mocer, Gralewski, Sabatini, Smith, Tocco and Vosburg (ex-officio)**

### MACOMB COUNTY BOARD OF COMMISSIONERS

Kathy D. Vosburg  
District 8  
Chair

Marvin E. Sauger  
District 2  
Vice Chair

Fred Miller  
District 9  
Sergeant-At-Arms

Toni Mocer – District 1

David Flynn - District 4

James L. Carabelli - District 6

Roland Fraschetti- District 10

Bob Smith- District 12

Phillip A DiMaria- District 3

Ray Gralewski- District 5

Don Brown- District 7

Kathy Tocco- District 11

Joe Sabatini- District 13

## ITEM #4A

RESOLUTION NO. \_\_\_\_\_

FULL BOARD MEETING DATE: \_\_\_\_\_

AGENDA ITEM: \_\_\_\_\_

### MACOMB COUNTY, MICHIGAN

**RESOLUTION TO** Receive and file the following information provided for informational purposes:

- Letter from Jill Smith, Corporation Counsel
- Letter from Carmella Sabaugh, County Clerk/Register of Deeds
- Outreach letter
- Correspondence from Annmarie Erickson of the DIA

**INTRODUCED BY** Commissioners James Carabelli and David Flynn, Co-Chairs, Economic Development Committee

**COMMITTEE/MEETING DATE**

Economic Development Committee (special meeting) 04-20-12



## CORPORATION COUNSEL

1 South Main St., 8<sup>th</sup> Floor  
Mount Clemens, Michigan 48043  
Phone: (586) 469-6346 ♦ Fax: (586) 307-8286

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**Corporation Counsel**  
George E. Brumbaugh, Jr.

**Assistant Corporation Counsel**  
Frank Krycia  
James S. Meyerand  
Jill K. Smith

### MEMORANDUM

To: David Flynn, Co-Chair  
Economic Development Committee

From: Jill K. Smith *JKS*  
Assistant Corporation Counsel

Subject: Macomb County Art Institute Authority

Date: April 18, 2012

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In 2010, the Legislature enacted the Art Institute Authorities Act. The act was based upon the Zoological Authorities Act which was enacted in 2008. Each act authorizes the creation of an authority to levy a tax, if approved by the electors, to be used exclusively for operational expenses, in the case of the Zoological Authorities Act for the Detroit Zoo and in the case of the Art Institute Authorities Act for the Detroit Institute of Arts. An art institute authority is an independent public corporate body with the power to sue and be sued. The art institute authority is prohibited from obtaining an interest in real property and is prohibited from participation in the governance of the DIA.

To form an art institute authority, the following steps must be taken:

1. The Board of Commissioners prepares proposed articles of incorporation.
2. The Articles must contain:
  - (a) The name of the authority.
  - (b) The size of the board of the authority, which shall be composed of an odd number of members and shall not exceed 15 members; the qualifications and terms of office of board members; the manner of appointing the members of the board of the authority; and the filling of vacancies in the office of board member.
  - (c) The purpose of the authority.
  - (d) The method of dissolution of the authority.
  - (e) Any other matters considered advisable.

3. Before the proposed articles are adopted, the articles must be published once in a newspaper generally circulated within the county.
4. Upon adoption of the final articles of incorporation, they are filed with secretary of state.
5. The members of the authority are appointed in accordance with the articles.

Before the art institute authority can vote for a tax levy, it must enter into a contract with the DIA requiring the DIA to use the funds exclusively to support the DIA. The contract is between the art institute authority and the DIA, not the County and the DIA. Contract provisions cannot be included in the articles of incorporation. This contract will establish the benefits that will be accorded to residents of Macomb County. Per statute, these benefits may include, but are not limited to, discounted admission fees, discounted membership fees, discounts for school children, and access to educational programs.

The authority must submit ballot language to County Elections by May 29<sup>th</sup> for the August primary. The ballot proposal will be for a levy of not more than 0.2 mill for a period of not more than 10 years. If the millage is approved by the electors, the authority will meet yearly in order to actually levy the tax.



# Carmella Sabaugh

Macomb County  
Clerk/Register of Deeds

Betty A. Oleksik  
Deputy Register of Deeds

Todd Schmitz  
Deputy Clerk

April 19, 2012

David Flynn  
Macomb County Commissioner  
One South Main  
Mount Clemens, MI 48043

Dear Commissioner Flynn:

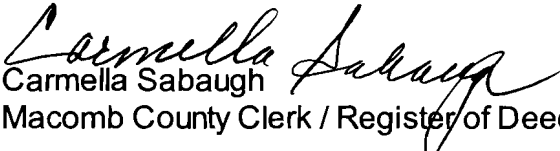
I am writing regarding your request for information about August 2012 election costs.

Macomb County will spend approximately \$135,000 on the August 2012 primary election. The county pays for ballots and precinct supply kits. Funds have already been budgeted for this expense in the county's Elections Revolving Fund.

If the Detroit Institute of Arts ballot initiative is placed on the August 7, 2012 ballot, then the additional cost to the county would be zero. However, if all of the items to be placed on the August ballot do not fit on one page, then there would be a need for a second ballot page, and in that unlikely event our ballot printing costs could be significantly higher; but, our county has had proposals of a similar length before, we have never required a second ballot page and I do not expect we would need a second ballot page in August.

It is my opinion that the Detroit Institute of Art ballot initiative would not cause any additional elections administration cost to our county.

Sincerely,

  
Carmella Sabaugh  
Macomb County Clerk / Register of Deeds

**Clerk's Office**  
40 N. Main St.  
Mount Clemens, MI 48043  
586-469-5120  
Fax: 586-783-8184

<http://www.macombcountymi.gov/clerksoffice>  
[clerksoffice@macombcountymi.gov](mailto:clerksoffice@macombcountymi.gov)

Fax-on-Demand  
Michigan: 1-888-99-CLERK  
Out-of-State: 310-575-5035

**Register of Deeds**  
10 N. Main St.  
Mount Clemens, MI 48043  
586-469-5175  
Fax: 586-469-5130

<http://www.macombcountymi.gov/registerdeeds>  
[registerdeeds@macombcountymi.gov](mailto:registerdeeds@macombcountymi.gov)



5200 Woodward Avenue (313) 833 7900  
Detroit, Michigan 48202 www.dia.org

### **Detroit Institute of Arts in Macomb County**

At .2 mills, Macomb County homeowners would pay approximately \$15 per year for every \$150,000 of a home's fair market value to support the DIA. In return, the DIA will provide free admission for all Macomb County residents (an estimated \$24 value for two adults and two children to visit the museum once). The DIA also serves Macomb County residents in the following ways:

#### **Museum Statistics**

- Approximately 82% of all Macomb County general admission visitors live within a one-hour drive from DIA.
- 12% of all museum ticket buyers, 8% of staff member, 8% of volunteers and 9% of our members reside in Macomb County.
- Three cities in Macomb County are among the top 15 in resident admissions to the DIA (Warren, Sterling Heights and St. Clair Shores).

#### **School/Studio Programs**

- More than **9,600** students, teachers, and chaperones from **87 schools and colleges** in Macomb County have toured the museum during the 2010–2012 school years.
- For the 2011–2012 school year, **over 800** Macomb County teachers have received free DIA Educator's Passes.
- In 2012, 2,200 students from 28 schools received free admission and transportation to the museum, thanks to a grant the DIA secured from Target.
- In January 2012, 15 teachers from the L'Anse Creuse School District attended a professional development day and were introduced to DIA resources for incorporating art into their curriculum.
- In Warren Consolidated Schools, all students at Carleton Middle and Black Elementary will receive six visits from DIA teaching volunteers, who will lead engaging discussions about art in classrooms.
- The DIA provided a key speaker at the Macomb County Intermediate School District Meeting in February 2012.

- In fall 2011, the DIA installed works of art from its permanent collection at the Lorenzo Cultural Center of Macomb Community College as part of the *Michigan Harvest* exhibition; the DIA also provided speaker talks and guided tours of the museum in conjunction with the exhibition.
- Macomb Community College groups have visited the DIA 46 times since 2009. Groups are made up of students, seniors, educators, patrons and other supporters.
- The DIA has already booked groups from Macomb Community College for our exhibition *Faberge: The Rise and Fall, the Collection of the Virginia Museum of Fine Arts*, which is scheduled to open October 17, 2012.

### **Inside|Out**

- In 2011, the highly successful Inside|Out program had installations in Sterling Heights, St. Clair Shores, New Baltimore, Romeo, Armada, Macomb Township and Warren. 2012 installations include Eastpointe, Roseville, and Mt. Clemens. Programming includes tours, art-based talks and community free days.

### **Senior Outreach**

- The DIA offers a monthly gallery discussion program for people with Alzheimer's and their caregivers, designed to stimulate conversation and provide engaging social opportunities.

### **Community Engagement**

- In 2011, the DIA presented 22 art-based talks at religious institutions, senior centers, community centers, libraries and corporations.
- More than 2,100 Macomb County visitors from seniors centers, religious organizations, schools and community groups booked visits to the recent exhibition *Rembrandt and the Face of Jesus*.
- Since August 2011, the DIA has conducted 41 community engagement presentations in Macomb County speaking to Rotaries, Lions, Jaycees, Kiwanis, Optimists Clubs and seniors' organizations.
- The DIA will present *An Evening with the Masters: Italian Art of the Renaissance from the Detroit Institute of Arts* at the Italian American Cultural Society on April 26, 2012.
- The DIA is investigating collaborations with the Assumption Cultural Center and the Ukrainian Cultural Center.
- 17 Speakers Bureau talks have been given or are scheduled in 2012.

Here are a few more Macomb-related statistics. After a review of our primary service area (tri-county) in 2010, we brought new focus to our efforts in Macomb. While these numbers are not equal to Oakland County (our heaviest user) they show a strong positive trend. Our commitment is to continue to strengthen our presence in Macomb, as evidenced by our Inside/Out project, which was presented in seven Macomb communities last year and will be in five this year.

**Schools (fiscal year):**

- FY 2010-2011: 4,174 students/teachers from 54 schools
- FY 2011-2012: 5,462 students/teachers from 60 schools/colleges (30% increase in people from 2010-11)

This includes schools that are scheduled through the end of this fiscal year

**Overall Museum Admission (calendar year):**

- CY 2010: 6,361 people
- CY 2011: 6,938 people (9% increase over CY 2010) Q1: 1,717 (12% increase over Q1 2010)
- CY 2012: NA Q1: 2,562 (49% increase over Q1 2011)

Please let me know if I can provide additional information. Also, I will be attending the Macomb Chamber meeting Friday morning to discuss the millage request.

Best –

Annmarie

DIA



RESOLUTION NO. \_\_\_\_\_

FULL BOARD MEETING DATE: \_\_\_\_\_

AGENDA ITEM: \_\_\_\_\_

**MACOMB COUNTY, MICHIGAN**

**RESOLUTION TO** Authorize the Publication of the Proposed Articles of Incorporation of the Macomb County Art Institute Authority; and forward to the **special** Full Board meeting on Tuesday, April 24, 2012 at 6 p.m.

**INTRODUCED BY** Commissioners James Carabelli and David Flynn, Co-Chairs, Economic Development Committee

**COMMITTEE/MEETING DATE**

Economic Development Committee (special meeting) 04-20-12

**ARTICLES OF INCORPORATION  
OF THE  
MACOMB COUNTY ART INSTITUTE AUTHORITY**

These Articles of Incorporation are adopted by the Macomb County Board of Commissioners (Commission) to form an Art Institute Authority pursuant to the Art Institute Authorities Act, Act 296 of the Public Acts of 2010, MCL 123.1201, *et seq.* (Act).

**ARTICLE 1 – NAME**

The name of the Authority is the Macomb County Art Institute Authority (Authority).

**ARTICLE 2 - PURPOSES**

The purposes for which the Authority is organized are to:

1. support the operation of The Detroit Institute of Arts (DIA), an encyclopedic art museum, and the facilities where the DIA operates;
2. enhance the world-class art collection of the DIA;
3. contract for art institute services with a world-class art institute services provider that will provide meaningful and educational experiences involving the appreciation of an encyclopedic art museum; and
4. engage in any activity and exercise any and all powers incidental or necessary for the accomplishment of the purposes of its formation.

**ARTICLE 3 – BOARD OF DIRECTORS**

1. Appointments. The board of directors (Board) shall consist of seven (7) members. Two members shall be appointed the County Executive for Macomb County without Commission confirmation. Two members shall be appointed by the Commission. Three members shall be appointed by the County Executive with confirmation by the Commission. These three members shall consist of one representative from the Intermediate School District, one representative from the Macomb Community College, and one representative from the public with a background, experience or active involvement in the art community in Macomb County.
2. Term of Office. The terms of the members constituting the first Board shall be for three (3) years. The terms of succeeding members shall be for two (2) years. The initial terms of each member shall commence upon acceptance of the appointment and shall terminate on April 30<sup>th</sup>, 2015. The terms of succeeding members shall commence on May 1<sup>st</sup>. A member shall serve until his or her successor is appointed.

3. **Qualifications.** Members shall meet the following qualifications:
  - (a) Each member shall be a resident of the County of Macomb, Michigan;
  - (b) Each member shall be at least 18 years of age; and
  - (c) No member shall be an employee, officer, or director of the Detroit Institute of Arts, Inc.
4. **Removal.** The Commission may remove a member for good cause after a public hearing.
5. **Vacancies.** A vacancy shall occur upon the happening of any of the events set forth in Section 3 of 1846 RS 15, MCL 201.3; resignation of a member or removal by the Commission. Vacancies shall be filled in the same manner the original appointment was made and shall be for the period of the unexpired term of the replaced member.
6. **Bylaws.** The Board may adopt and amend bylaws to govern its procedures and business affairs.
7. **Voting.** Each member shall be a voting member.
8. **Quorum.** A majority of the members of the Board shall constitute a quorum for the purpose of conducting business and exercising the powers of the Authority. The Board may transact business or take any action consistent with the Act and these Articles with an affirmative vote of a majority of the Board members present, unless the Authority's Bylaws provide otherwise.
9. **Compensation.** No member shall receive compensation for services rendered as a member of the Board, except members are entitled to reimbursement for reasonable expenses, including for travel previously authorized by the Board, incurred in the discharge of his/her duties.

#### **ARTICLE 4 - OFFICERS**

1. **Officers.** The Board shall elect a chairperson, secretary, treasurer and other officers it deems appropriate at its first meeting. Except as specifically set forth in these Articles, the qualifications, powers, duties and terms of offices shall be set forth in the Bylaws. At any time when Bylaws are not adopted, officers shall serve a term of one year or until their successors are elected.
2. **Chairperson.** The Chairperson of the Board shall preside at all meetings of the Board. The Chairperson shall, under the direction of the Board, have the power, on behalf of the Board, to perform all acts, execute and deliver all documents and take all steps that the Chairperson may deem necessary or advisable in order to effectuate the actions and policies of the Board.
3. **Secretary.** The Secretary shall keep the minutes of all meetings of the Board and committees thereof in books provided for that purpose. The Secretary shall do and

perform such other duties as may be fixed by or incidental to these Articles or the Bylaws, or as may be from time to time assigned by the Board.

4. Treasurer. The Treasurer shall perform all acts incidental to the position of Treasurer as fixed by or incidental to these Articles or the Bylaws or as may be from time to time assigned by the Board.

#### ARTICLE 5 - POWERS AND DUTIES

1. The Authority is a public body corporate with the power to sue and be sued in any court of the State of Michigan and is an authority under Section 6 of Article IX of the Michigan Constitution of 1963.
2. The Authority shall have all powers necessary to carry out the purposes of its formation and all things incidental to carrying out the purposes of its formation, including those powers specified by the Act and these Articles. The enumeration of specific powers shall not be construed as a limitation on the general powers of the Authority.
3. The Authority may contract for art institute services with an encyclopedic art institute services provider and any such contract shall require the art institute services provider to use funds received from the Authority exclusively to support the operations of art institute services and the operation of the DIA and the facilities where the DIA operates. The Authority shall execute the contract prior to the vote for the tax levy permitted by the Act.
4. **If approved by the electors**, the Authority may levy a tax of not more than 0.2 mill for a period of not more than 10 years on all of the taxable property within Macomb County for the purpose of providing revenue to an art institute services provider in accordance with MCL 123.1201, *et seq.* The tax shall not be levied unless art institute authorities have been established in Wayne and Oakland Counties and the electors in Wayne and Oakland Counties have approved the tax levied by their respective authority.
5. The Authority shall transfer all funds received from the unit of government collecting a tax levied by the Authority that are remaining after payment of expenses authorized by the Act and these Articles of Incorporation to the art institute services provider with which it has contracted within ten (10) business days of receipt.
6. The Authority's contract with the art institute services provider shall include preferences or benefits for the residents of Macomb County, if the electors in Macomb County approved the tax levied by the Authority. Preferences or benefits include, but are not limited to, **waiver of admission fees for residents of Macomb County**, discounted membership fees, discounts for school children and access to educational programs.
7. The Authority may contract for or retain professional services or enter into contracts incidental or necessary for the accomplishment of the Act.
8. The Authority shall reimburse all governmental units for actual costs incurred in the election of a tax levied by the Authority, as required by the Act.
9. The Authority shall not obtain an interest in real property.

10. The Authority shall not participate in the governance of an art institute.
11. The Board shall obtain an annual audit of the Authority, and shall report on the audit and auditing procedures, as provided by Sections 6 to 13 of the Uniform Budgeting and Accounting Act, 1968 PA 2, MCL 141.426 to 141.433. The audit shall also be in accordance with generally accepted government auditing standards as promulgated by the United States General Accounting Office and shall satisfy federal regulations relating to federal grant compliance audit requirements.
12. The Authority shall prepare budgets and appropriations acts in the manner provided by Sections 14 to 19 of the Uniform Budgeting and Accounting Act, 1968 PA 2, MCL 141.434 to 141.439.
13. If the Authority ends a fiscal year in a deficit condition, it shall file a financial plan to correct the deficit condition in the same manner as provided in Section 21(2) of the Glenn Steil State Revenue Sharing Act of 1971, 1971 PA 140, MCL 141.921.
14. The Board may authorize funds of the Authority to be invested or deposited, on a temporary basis, in any investment or depository authorized under Section 1 of 1943 PA 20, MCL 129.91 before being transferred to an art institute services provider.
15. The Authority shall conduct its business at public meetings held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 *et seq.* **Notices and minutes will be forwarded to the Macomb County Board of Commissioners for posting as the Board of Commissioners determines.**
16. Writings prepared, owned or used by the Authority in the performance of an official function shall be made available in compliance with the Freedom of Information Act, 1976 PA 442, MCL 15.231 *et seq.*
17. **The Authority will report annually on the status of the contract between the Authority and the Detroit Institute of Art.**
18. Terms and phrases used in these Articles shall have the meanings prescribed in the Act.

#### **ARTICLE 6 - AMENDMENTS TO THE ARTICLES OF INCORPORATION**

These Articles of Incorporation may be amended by adoption of a resolution approving the amendment by the Commission.

#### **ARTICLE 7 - PUBLICATION AND FILING**

These Articles or amendments to these Articles shall be published not less than once in a newspaper generally circulated within Macomb County, prior to adoption by the Commission. The Macomb County Clerk shall endorse the Articles and any amendments to the Articles, as required by the Act. Upon adoption of these Articles or amendments to these Articles, the Clerk shall file a printed copy with the Michigan Secretary of State.

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**ARTICLE 8 – DISSOLUTION OF AUTHORITY**

The Authority shall be dissolved upon an affirmative vote of a majority of the members of the Commission.

**ARTICLE 9 - TERM AND EFFECTIVENESS**

The term of existence of the Authority shall be perpetual or until terminated in accordance with these Articles or law.

These Articles shall become effective and the Authority shall become operative upon filing with the Michigan Secretary of State.

**IN WITNESS WHEREOF**, the Macomb County Board of Commissioners has adopted these Articles of Incorporation on this \_\_\_\_ day of \_\_\_\_\_, 2012.