

**MINUTES OF THE
COURTS AND LEGAL AFFAIRS COMMITTEE**

TUESDAY, SEPTEMBER 15, 2009

At a meeting of the **Courts and Legal Affairs Committee**, held Tuesday, September 15, 2009, in the Board Room, on the 9th Floor of the Administration Building, Mount Clemens, the following members were present:

Crouchman-Chair, Carabelli, DiMaria, Doherty, Rocca, Sauger, Sprys, Tocco and Gielegem (ex-officio).

Absent and excused was Lampar (attending MAPERS Conference).

There being a quorum of the committee present, Chair Crouchman called the meeting to order at 9:44 a.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

AGENDA

MOTION

A motion was made by Sprys, supported by Rocca, to adopt the agenda, as presented. **The Motion Carried.**

MINUTES

MOTION

A motion was made by Rocca, supported by Tocco, to approve the August 18, 2009 minutes of this committee, as written. **The Motion Carried.**

FY 2010, 2011 AND 2012 TITLE IV-D COOPERATIVE REIMBURSEMENT PROGRAM CONTRACT / FRIEND OF THE COURT

MOTION

A motion was made by DiMaria, supported by Sauger, to approve the fiscal year 2010 Friend of the Court Cooperative Reimbursement Program Contract in the amount of \$10,202,876, which is \$6,733,898 or 66% state funded and \$3,468,978 or 34% county funded. The county funding will be contained within the 2010 budget. This contract covers the period of October 1, 2009 through September 30, 2012. The current agreement will

cover three fiscal years however, it will be amended for fiscal years 2011 and 2012 to incorporate a new annual budget. **Forward to the Budget Committee. The Motion Carried.**

ADOPT RESOLUTION SUPPORTING

The following Macomb County Circuit Court Judges were present: Judge Diane Druzinski, Judge Peter Maceroni, Judge Edward Servitto, Judge Mark Switalski and Judge Antonio Viviano.

COMMITTEE RECOMMENDATION – MOTION

A MOTION WAS MADE BY SPRYS, SUPPORTED BY DiMARIA, TO RECOMMEND THAT THE BOARD OF COMMISSIONERS ADOPT A RESOLUTION SUPPORTING LEGISLATION TO ALLOW COUNTIES TO DELAY FILLING OF A VACANCY OCCURRING IN THE OFFICE OF CIRCUIT COURT JUDGE DUE TO THE INELIGIBILITY OF AN INCUMBENT JUDGE TO SEEK RE-ELECTION (**OFFERED BY CROUCHMAN**).

The following commissioner spoke: Crouchman.

Judge Antonio Viviano addressed the committee on behalf of Chief Judge Richard Caretti.

The following commissioners spoke: Sprys, Crouchman, Sauger and Doherty.

Judge Mark Switalski addressed the committee.

The following commissioners spoke: DiMaria, Crouchman, Gieleghem, Carabelli and Tocco.

Commissioner Sprys offered the following Amendment to the resolution that is on the floor: To also recommend that the legislature adopt the recommendation of the Supreme Court Administrator's Office in moving a Probate Judge to the Circuit Court. There was no support. Chair Crouchman announced that the motion died due to lack of support.

Chair Crouchman called for a vote on the main motion and **THE MOTION CARRIED WITH CARABELLI AND ROCCA VOTING "NO."**

MONTHLY REPORTS FROM CORPORATION COUNSEL

Relating to the submitted monthly reports, a corrected copy of page 5 entitled, Files to be Reviewed for Billing for September Finance Agenda was distributed. There was an adding error on total attorney fees which was corrected.

Mr. George Brumbaugh had nothing to add with regards to his submitted written report. He advised committee members about a new lawsuit that was received (Thomas Lowry case)

involving the Macomb Orchard Trail.

The following commissioner spoke: Crouchman.

MOTION

A motion was made by Tocco, supported by Sprys, to receive and file the monthly reports from Corporation Counsel. **The Motion Carried.**

After the vote, the following commissioners spoke: Tocco, Carabelli and Sprys.

ADJOURNMENT

MOTION

A motion was made by Tocco, supported by Rocca, to adjourn the meeting at 10:32 a.m. **The Motion Carried.**

**Denise M. Jacks
Committee Reporter**