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County Administrator's Weekly Digest
December 22, 2010

SIGNAL STUDY IMPROVES TRAFFIC FLOW AND REDUCES FUEL CONSUMPTION

(Keith Van Beek)

Click here to see a press release from the Macatawa Area Coordinating Council (MACC) regarding the results of a traffic signalization study approved by the Board of Commissioners. The primary source of funding for the study came through the Energy Efficiency and Conservation Block Grant (EECBG) program, where Ottawa County designated \$405,000 from an overall \$2,052,800 grant connected to the American Recovery and Reinvestment Act (ARRA) of 2009.

The press release outlines the impressive outcomes from the study, including improved traffic flow but also significant reductions in fuel use and air emissions. Steve Bulhuis, Executive Director of MACC, has offered to make the same presentation at an upcoming Board work session. The press release follows below.

COUNCIL ON LAW ENFORCEMENT AND REINVENTION

The Governor-Elect Snyder administration today announced the creation of a first ever Council on Law Enforcement and Reinvention. The panel is made up of individuals from various sectors of law enforcement is being tasked to eliminate duplication of effort and establish more efficient and innovative service delivery. Chaired by Ottawa County Sheriff Gary Rosema, the group is composed of police officers, governmental and judicial leaders from a geographical cross section of Michigan. They will advise the Snyder administration on public safety priorities and coordination, as well as ensure maximum collaboration among Michigan's police agencies at all levels to prevent and solve crimes.

Members of the Council include:

Gary Rosema, Ottawa County Sheriff

John Buczek, Executive Director, Michigan Fraternal Order of Police

Matt Wesaw, Tribal Chair (former MSP)

Ralph Godbee, Chief of Police, Detroit

Mark Hackel, Sheriff, Macomb County and County Executive-Elect

Stuart Dunnings, Ingham County Prosecuting Attorney

Lt. Col. Kriste Etue, incoming Director of Michigan State Police

Michael Lovelace, Sheriff, Marquette County

Judge Donald Johnston, 17th Circuit Court

Ken Grabowski, Legislative Director, Police Officers Association of Michigan

William Schuette, Attorney General-Elect (ex-officio)

[Congratulations to Sheriff for being named a member and chair of the Council on Law Enforcement and Reinvention.](#)

GUBERNATORIAL APPOINTMENT PROCESS UPDATE & HISTORY (Mark Knudsen)

As of December 22, 2010, Governor Rick Snyder has appointed 17 of 25 cabinet level appointments. A list of the appointments that have been made by the Governor, as well as a list of those appointments that must still be made, are provided below. Additionally, an interesting overview of the historical changes that have occurred in the gubernatorial appointment process and the relationships that have developed between the executive and legislative branches relating to this process is provided for your perusal. The source of the historic overview is the *Michigan Manual*.

Gubernatorial Appointments - Completed

- Department of Agriculture & Rural Development Director – Keith Creagh
- Department of Community Health Director – Olga Dazzo
- Department of Environmental Quality Director – Dan Wyant
- Department of Natural Resources Director – Rodney Stokes
- Department of Transportation Director - Kirk Steudle
- Michigan Department of Economic Development Director – Mike Finney
- Appointments Director – Norm Saari
- Budget Director – John Nixon
- Director of Communications – GERALYN Lasher
- D.C. Liaison – Bill McBride
- Director of External Affairs – Terri Reid
- Legislative Liaison – Dick Posthumus
- Michigan State Police Director - Kriste Etue
- State Treasurer – Andy Dillon
- Chief of Staff – Dennis Muchmore
- Director of Strategy – Bill Rustem
- Legal Counsel – Mike Gadola

Gubernatorial Appointments – To Be Determined

- Department of Corrections Director
- Department of Energy, Labor and Economic Growth Director
- Department of Human Services Director
- Department of Technology, Management and Budget Director
- State Personnel Director
- State Superintendent
- Insurance Commissioner
- Office of the Great Lakes Director

GUBERNATORIAL APPOINTMENT PROCESS

Michigan Manual (Chapter IV – THE EXECUTIVE BRANCH)

The selection of qualified individuals to serve in state governmental positions excepted or exempted from state civil service is a responsibility shared by the executive and the legislative branches of government. This joint participation in the appointment process is mandated by the Constitution of the State of Michigan of 1963, which accords the governor certain powers to appoint officials subject to the advice and consent of the Michigan Senate.

Historical Developments

To gain a broader perspective of the governor's appointment powers and the use of advice and consent, it is useful to trace the historical development of the executive/legislative relationship regarding appointments. Due to the deep-seated distrust of, and contempt for, British-imposed colonial governors, many early state constitutions greatly limited the power of the office of the governor. **Michigan's first constitution (1835)**, however, did not follow that pattern — it gave the governor

substantial power. The governor had the power to appoint the secretary of state, judges of the Supreme Court, the auditor general, the attorney general, and prosecuting attorneys for each county. These appointments were subject to Senate confirmation. The only state officers popularly elected were the governor, lieutenant governor, and state legislators.

In contrast, the **1850 constitution** reflected the influence of “Jacksonian democracy,” ultimately producing the so-called “long ballot.” Among the principles of Jacksonian democracy was the belief that public officials should be chosen by election rather than by appointment. The 1850 constitution provided for the election of all principal state officials, including the secretary of state, state treasurer, attorney general, auditor general, superintendent of public instruction, regents of the University of Michigan, state board of education, and Supreme Court justices. Accordingly, the governor’s appointment power was reduced to filling vacancies.

While the adoption of a **new constitution in 1908** did little to either erode or enhance the governor’s appointment power, other developments led to a substantial increase in the number of state officials appointed by the governor. Ironically, it was the legislature that played the most significant role in expanding the gubernatorial appointment power. Of the more than 2,000 appointments for which the governor is responsible today, most are to the approximately 250 boards, commissions, and other advisory bodies, which, in most cases, have been established by statutes enacted by the legislature. Some are created on an ad hoc basis, but many are permanent. As rapidly changing social and economic conditions brought about the emergence of new and more complex problems, state government began to expand. Prior to the adoption of the 1963 constitution there were no limitations on the number of state agencies that could be established and no restrictions on the power of the legislature to assign administrative duties to newly created agencies or positions independent of gubernatorial supervision. Even the **1963 constitution** does not preclude the creation of new agencies. However, article V, section 2 of that document does limit the number of principal departments to “. . . not more than 20” Moreover, all executive offices, excluding the offices of governor and lieutenant governor and the university governing boards, are to be allocated within those principal departments.

Many newly created agencies were responsible to **boards or commissions** comprised of individuals appointed by the governor. Boards and commissions are common to the administrative structure of many businesses as well as to all levels of government. Proponents of the system argue that by creating a degree of independence, a board or commission can be insulated from political manipulation. The use of staggered or overlapping terms for the members of a board encourages continuity of policy while making it difficult for an executive to appoint a majority of board members during any one term. In addition, the application of bipartisan representation on these bodies ensures some degree of minority representation and input.

Critics of the board or commission role in government object to the lack of accountability of appointees and the possibility of stalemates in the decision-making process. Moreover, perhaps due to the fact that boards and commissions in Michigan state government have evolved gradually over the years, there appears to be little consistency in the internal structure of these bodies, the method used to appoint members, or their functions.

Types of Appointments

In addition to appointing a personal executive staff, the governor currently appoints most executive department heads with the **advice and consent of the Senate**. Two department heads, the **Michigan Manual 2009 - 2010** secretary of state and attorney general, are popularly elected. The remaining department directors are appointed by the respective board or commission that heads the department.

The governor is also authorized to appoint a limited number of other positions, particularly of a policymaking nature, within most of the principal departments. Those positions, along with the positions within the Office of the Governor, are exempted from civil service. Certain regulatory officials, such as the racing commissioner, are also appointed by the governor with Senate confirmation. The members of the boards or commissions that head departments are appointed by the governor with Senate confirmation, but the terms for these officials overlap so that a majority of the members cannot be appointed in any one year.

Some of these boards, such as the State Administrative Board, are composed exclusively of state officers serving *ex officio* (*ex officio* means “by virtue of office or position”). In some cases the governor serves as an *ex officio* member of a board or commission. For example, the governor serves as an *ex officio* member of the State Board of Education and the Michigan Historical Commission. On a number of boards, the heads of executive departments serve as *ex officio* members.

The governor also appoints the heads of other autonomous agencies such as the lottery commissioner and the director of the Bureau of Workers’ and Unemployment Compensation. Most of these appointments require Senate confirmation.

Pursuant to Sec. 1104 of the Revised Judicature Act (MCL 600.1104), stenographers for each circuit court of the state “. . . shall be appointed by the governor after having first been recommended by the judge or judges of the court to which he is appointed” Senate confirmation is not required.

Limitations on Gubernatorial Appointment Power

The common requirement that gubernatorial appointments be confirmed by the Senate is the most significant limitation imposed on the appointment power. In addition, in some cases the legislature has brought both the speaker of the House and the Senate majority leader into the appointment process.

There are a number of other ways in which a governor is limited in appointing individuals to boards and commissions. Many limitations relate to **statutory conditions** regarding those eligible for appointment. For instance, pursuant to article V, section 5, of the state constitution, “. . . A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.” Furthermore, during the mid-1970s, the legislature amended various laws establishing licensing boards to assure each board had at least one member representing the interests of the general public.

Some of the statutes creating boards and commissions are very specific in dictating the membership qualifications and experiences required. Some sections of law require the governor to appoint members from a **list of nominees** submitted by nongovernmental groups. Also, certain **territorial divisions** of the state must be represented on certain boards and commissions.

Advice and Consent

A primary concern of the framers of the U.S. Constitution was preventing a concentration of power in any one branch of government. Accordingly, a system of **checks and balances** was incorporated into the federal constitution. A key component of this is legislative review of appointments through the mechanism of advice and consent. In Michigan, this is provided for in the state constitution. Article V, section 6, states:

Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

The incorporation of this provision in the 1963 constitution effectively reversed the advice and consent process practiced under previous constitutions, none of which provided a definition of advice and consent. Rather than the Senate approving an appointment by positive action, this provision requires the Senate to disapprove an appointment within 60 session days after submission for consideration. In other words, no action by the Senate constitutes a confirmation of an appointment after 60 session days. The count of 60 session days commences when the secretary of the Senate receives written notification of an appointment from the governor's office.

The advice and consent provision incorporated into the 1963 constitution was designed to provide the Senate with reasonable time to reject an appointee while at the same time making confirmation definite should the senate choose not to act on an appointment.

Michigan's advice and consent process contrasts with the concept as practiced by the U.S. Senate. Individuals named to federal positions cannot assume the office until they are confirmed. On the federal level, the President nominates and the U.S. Senate appoints. In Michigan, the governor appoints, and the Senate confirms or rejects the appointment.

NEWS RELEASE



MACATAWA AREA COORDINATING COUNCIL
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For Immediate Release
December 21, 2010

Signal Study Improves Traffic Flow and Reduces Fuel Consumption

HOLLAND, MI – The Macatawa Area Coordinating Council (MACC) at its Policy Committee meeting Monday afternoon presented the outcomes of a nine-month traffic signal optimization study. The MACC brought together four public agency partners (Michigan Department of Transportation/Ottawa County Road Commission/City of Holland/City of Grand Haven) to participate in the study which included a total of 129 traffic signals in the Holland, Zeeland, Grand Haven and Spring Lake areas. “The inter-jurisdictional collaboration of this effort allowed it to achieve more than had each partner done their own study” according to Steve Bulthuis, Executive Director of the MACC.

Travel time studies were completed along fifteen corridors before and after the signal retiming work. The Riley Street (Butternut-120th), Michigan/River/Pine and 16th Street (Van Raalte-Waverly) corridors saw travel delay reductions of 10% or more. Daily vehicle delay was reduced by over 1,200 hours when considering all corridors and fuel consumption reduced by approximately 1,100 gallons/day. This represents a total annual reduction of 311,000 vehicle hours of delay and a total annual reduction of 273,000 gallons of fuel (assuming 250 work days/yr). The annual savings to the motoring public from these reductions exceeds \$5 million.

Other benefits of the effort included:

- Air pollutants were reduced by 4 tons/day
- 55 signal locations received GPS-enabled clocks to improve the ability of the signals to maintain coordination
- Traffic signal hardware improvements (installation of pedestrian pushbuttons) and traffic signal operational improvements (consistent operational characteristics of pedestrian countdown timers) that benefit nonmotorized transportation
- Short-term and long-term intersection improvement recommendations based on crash history and field observations
- Anticipated reduction in traffic crashes as a result of improved traffic flow

The primary funding for this project (\$405,000) was provided to the MACC by the County of Ottawa from a grant awarded to the county through the American Recovery and Reinvestment Act. Additional federal funding (\$77,500) was provided by the MACC.

URS Corporation (Grand Rapids office) was the consultant for the study.