

The Bay County Executive and Board of Commissioners are responsible for approving a yearly budget funded mostly by taxpayer dollars. In recent years tax revenue has decreased significantly, and so has the County's budget. All offices, departments and employees, including the County's elected officials, have been asked to "do more with less." However, the County must fund all elected officials' offices at a "serviceable" level. This means that each elected official's office must have enough money to carry out the duties that they are mandated by law to provide.

The County instituted across-the-board budget reductions in 2011, which included staff reduction in three elected officials' offices, including the Prosecutor, the Register of Deeds and the County Clerk. Other offices also experienced non-personnel related budget reductions. As a result of the 2011 cuts, the Clerk decided to stop providing to the public various non-mandated services such as notarizing documents, performing marriage ceremonies and processing passports. The Clerk has experienced no further budget reduction after 2011, and in fact the County has increased the Clerk's appropriations every year for the last four years.

In June of this year the Clerk requested the County's permission to employ (at the County's expense) an outside attorney to help the Clerk "define legal issues," "negotiate a resolution of legal issues," and potentially file suit against the County for underfunding the Clerk's office. This is the first time the Clerk told the County that she believed she could not perform her mandated duties at a serviceable level. The County declined to use taxpayer dollars to hire an attorney for the Clerk to sue the County, and instead requested the Clerk simply identify what mandated duties she was unable to perform at her current staffing levels and provide supporting data so the County could appropriately consider any requested budget increase. The County even offered to provide a consultant to assist the Clerk in this regard, however the Clerk indicated she would not cooperate with that consultant.

The Clerk refused to provide the requested information to the County despite repeated requests and instead retained a law firm, who likewise refused to provide the requested information - unless the County agreed to pay the law firm's fees.

Due to the County's reduced budget, every request for additional staff must be supported by substantial and compelling data to justify the use of taxpayer dollars. Every request from any department is closely scrutinized to ensure that the additional position is necessary and cost effective. If the Clerk provided documents or data that proved she is unable to perform mandated duties at a serviceable level, the County would, of course, provide her with additional funding. It is impossible for the County Executive to recommend, or the Board of Commissioners to approve, any budget increase requested by the Clerk without the requested information.

The Clerk finally provided at least some of the requested information to the County Executive, but only AFTER she had filed a lawsuit (where she was required to provide that information by

the Michigan Court Rules) and only AFTER spending money on an attorney to file a completely unnecessary Complaint in Circuit Court. It is unfortunate that the Clerk refused to provide the necessary information until Court Rules required her to do. Once the County finally received that long-awaited information from the Clerk, the County Executive recommended that the Clerk receive one additional employee (rather than the 2.5 additional employees she was requesting). The County Executive and Board of Commissioners regret that the Clerk's refusal to provide this important information and to cooperate with other County departments has resulted in the use of taxpayer dollars for unnecessary attorney fees and litigation.