

# CLINTON COUNTY BOARD OF COMMISSIONERS

**Chairman**  
John Arehart  
**Vice-Chairman**  
Larry Martin

**Members**  
David Pohl  
Mary L. Rademacher  
Robert Showers  
Claude Vail  
Virginia Zeeb

**COURTHOUSE**  
**100 E. STATE STREET**  
**ST. JOHNS, MICHIGAN 48879-1571**  
**989-224-5120**



**Administrator**  
Ryan L. Wood  
**Clerk of the Board**  
Diane Zuker

## **RESOLUTION 2005-27**

### **OPPOSING HOUSE BILL 5124**

WHEREAS, House Bill 5124 recently introduced into the Michigan legislature radically alters the intent of MCL 565.551 from facilitating methods of acquiring copies and researching records to mandating services, fees, contracts, special reports, payment dates, personal liability and legal consequences effectively removing any local governmental control, and

WHEREAS, Elected Officials have specific constitutional and statutory authority directing them to carry out the obligations of their offices requiring that public records be properly maintained and protected, and

WHEREAS, House Bill 5124 mandates access to all electronic records, regardless of sensitivity of information, and dictates fees of actual cost or not more than 4 cents per image for non-paper reproductions when the actual cost may exceed 4 cents an image, and

WHEREAS, House Bill 5124 will drastically reduce county revenue received in copy fees generated through the Register of Deeds Office by approximately 75%, and

WHEREAS, County records should not be available for private businesses to profit at public expense, and

WHEREAS, House Bill 5124 interferes with the statutory duty of elected officials to safeguard the actual records in the Register of Deeds Office by dictating the following requirements:

- Mandates that the county shall reproduce the records in the medium requested if it is available.
- Requires that copies be provided within 3 business days of the date stamped on the instrument or the date of request, whichever is earlier, which means that if someone requests copies two weeks after it is recorded, the Register of Deeds Office must anticipate the request eleven days in advance and provide it to the requesting party on that date or the Register of Deeds will be in violation of the law and subject to civil action.
- Requires the electronic transfer of images on the day they are imaged.

- Prescribes how often the county can collect fees.
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- Pits elected official against elected official and removes discretion of the courts for compliance and costs, and

**WHEREAS**, House Bill 5124 ignores national security concerns by making it mandatory to provide access to public records for any requesting party no matter where they reside or what organization they represent.

**THEREFORE BE IT RESOLVED** that the Clinton County Board of Commissioners expresses its strong opposition to House Bill 5124 and urges resistance against any attempts to restrict local control by mandating requirements on elected officials that result in private gain at the expense of the public, and

**BE IT FURTHER RESOLVED** that copies of this resolution be forwarded to Representatives Scott Hummel and Richard Ball, Senator Alan Cropsey, Governor Jennifer Granholm, the Michigan Association of Counties, and all other eighty-two (82) counties.

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John W. Arehart, Chairperson

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Robert E. Showers

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Larry E. Martin, Vice-Chairperson

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Claude E. Vail

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David Pohl

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Virginia L. Zeeb

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Mary L. Rademacher

STATE OF MICHIGAN  
COUNTY OF CLINTON

I, DIANE ZUKER, Clerk of the County of Clinton do hereby certify that the foregoing Resolution was duly adopted by the Clinton County Board of Commissioners at the regular meeting held October 25, 2005 and is on file in the records of this office.

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Diane Zuker, Clinton County Clerk