

1912

STATE OF MICHIGAN
MICHIGAN EMPLOYMENT COMMISSION
ACT 312 ARBITRATION

In the Matter Between:

TOWNSHIP OF WASHINGTON

AND

MERC Case No. D97 A-0033

FIRE FIGHTERS UNION LOCAL 3299

DECISION ON COMPARABLE COMMUNITIES

**Impartial Chair Anne T. Patton
November 16, 1998**

Panel

Anne T. Patton, Impartial Chair
Jack Dorrough, Employer Delegate
Tony Krepps, Union Delegate

For the Employer:

For the Union:

Representatives

Kenneth E. Scherer, Attorney

William J. Karges, Attorney

Witnesses

Willard Waterson, Assistant Chief
Sera Smith, Financial Manager
Catherine Deman, Accounting
Chief Gerald Alward

Tony Auguliara, Local President
Tamara Smith, Legal Assistant

Also Present

Gary Kirsh, Township Supervisor

Mark Cook, Local Secretary
Robert Schmelzer, Local Sergeant-at-Arms

INTRODUCTION

This matter was referred by the Michigan Employment Relations Commission (MERC) pursuant to Public Act 312 of 1969, as amended, (the Act), and the undersigned was appointed as the impartial arbitrator to chair the panel.

The Township of Washington (Employer, Township, or Department) and the Washington Township Fire Fighters Association, Local 3299, IAFF, AFL-CIO (Union) seek to complete the successor to their 1993-

1997 Collective Bargaining Agreement. There are about nine unresolved economic issues and one unresolved non-economic issue.

The parties were unable to stipulate to the threshold issue of which communities are comparable to the Employer. To resolve this dispute, a hearing was held on October 13, 1998 at the Township offices. Each party was afforded ample opportunity to examine and cross-examine witnesses, to present documentary evidence, and to argue its position. Each party timely filed a post-hearing brief on the issue of comparability.

BACKGROUND

The Employer is located in the northern half of Macomb County, which is less commercially developed than areas in the southern half of Macomb County. The Township encompasses 36 square miles and has a population of 13,087, according to the 1990 census.

The Department

The Employer finances its Fire Department based on a Special Assessment District on SEV, which excludes the Village of Romeo and tax on personal property. The Department is "full service" and licensed to provide Advanced Life Support (ALS) emergency medical services (EMS), fire prevention services, and fire suppression services on a 24 hour per day, seven-day per week basis.

Additionally, the Department provides these services outside Township boundaries pursuant to a Macomb County Mutual Aid Pact. In the last 20 months, Shelby Township was the only proposed comparable community that either assisted the Employer or which the Employer assisted pursuant to the Pact. During the 20-month period, the Employer made a total of ten runs to Shelby Township.

The Collective Bargaining Unit

The Department employs 13 full time Fire Fighters, including the Chief, approximately 17 personnel in Fire Suppression, and 26 part-time, on-call personnel. This proceeding pertains only to the 12 full time Fire Fighters represented by the Union in the collective bargaining unit.

All bargaining unit members are State certified as Fire Fighter I and II, Paramedic, Advanced Cardiac Life Support, Neonatal Advanced Life Support, HazMat Awareness and Operations. Two members hold State certification as Fire Instructor; two are licensed as EMS Instructor Coordinators; two are licensed as EMS Practical Evaluators and four are CPR Instructors. The Fire Fighters provide the primary response for all fire-related, medical-related, and rescue-related emergencies. Additionally, they perform fire prevention duties and public education activities.

The Collective Bargaining History

In February 1990, the bargaining unit was first organized. The parties succeeded in negotiating and agreeing upon the terms of their first collective bargaining agreement, dated 1990 to 1993. The parties were equally successful in negotiating a second collective bargaining agreement, dated 1993 to 1997. This is the first time the parties have pursued the Act 312 procedure for settling contract disputes.

During the two prior negotiations resulting in a collective bargaining agreement, the parties relied upon a list of comparable communities prepared by the Union. The list consisted of all full service fire departments in Macomb County staffed by full-time unionized personnel. As evidence of the parties' reliance, Local President Tony Augugliara pointed out that the parties negotiated a guaranteed minimum wage increase of 14% over the term of the agreement to address the disparity between the Fire Fighters employed by the Employer and those employed by the communities on the list. The parties also negotiated a me-too clause providing the Fire Fighters with an additional minimum of 5% or greater increase dependent upon the wage increase granted other Township employees. According to Augugliara's uncontradicted testimony, the

Township spokesperson stated during negotiations that it was unable to catch up the Fire Fighters over the term of only one contract.

Additionally, during the negotiations preceding the filing of this petition for Act 312, the parties once again relied upon the list for the purpose of formulating proposals and counter proposals.

THE UNION'S POSITION

Proposed Comparables

The Union submits the following list of proposed comparable communities, all of which are full service, unionized departments located in Macomb County:

Clinton Township
Eastpointe
Harrison Township
Mt. Clemens
Roseville
St. Clair Shores
Shelby Township
Sterling Heights
Warren

This list is identical to the one used by the parties throughout their collective bargaining history, as discussed above.

The Criteria

The Union supports its proposed comparable communities based on what it considers to be the critical criteria of bargaining history and statutory language. As discussed above, the Union's list of proposed comparables is identical to the list relied upon by the parties throughout their history of collective bargaining. The second criteria relied upon is the phrase "other employees performing similar services" contained in Section 9(d) of Act 312, which the Union asserts is the only guideline in the statute relevant to comparability. The Union points out that all comparables on its proposed list provide the same services as the Employer and employ unionized employees performing services similar, if not identical, to those performed by unit employees.

The Employer's Response

In general, the Employer points out that the Union's proposed comparables are all located in southern Macomb County and are more fully commercially developed than the Township which still maintains a significantly "rural undeveloped character." Conceding that the Union's proposed comparables contain more communities which provide ALS services, it asserts that in almost every other demographic area the Employer comparables are closer to the Township than the Union's. The Employer notes wide discrepancies between each of the Union's proposed comparables and the Township. For example, the Employer points out that the City of Warren has a SEV, which is 716% greater than that of the Township, and a population which is 1106% higher than the Township's. As another example, only one City on the Union's list, Mount Clemens, has a lower SEV than the Township and no community has a lesser population than the Township.

THE EMPLOYER'S POSITION

The Proposed Comparables

The Employer submits the following as comparable communities:

White Lake Township, Oakland County
Bruce Township, Macomb County
Buena Vista Township, Saginaw County
Summit Township, Jackson County
Lansing Township, Ingham County
Independence Township, Oakland County
Brandon Township, Oakland County

The Criteria

In selecting its list of comparable communities, the Employer relied on the following criteria:

1. All within 75 miles of Washington Township, except Lansing Township which is 76.2 miles away from the Township
2. All have full-time departments with 6-18 fire fighters [approximately 50% less than or 50% more than the Department's complement of 12]
3. All have the Township form of government and some have limitations on financing similar to that of the Employer
4. Financing base according to SEV between \$195,000,000 and \$872,000,000 [approximately 50% less than or two times that of the Employer's SEV]
5. Population between 6000 and 28,000 [approximately 50% less than or two times that of the Employer's population]
6. Total number of runs between 495 and 2000 [approximately 50% less than or two times that of the Employer's total number of runs]

Acknowledging that none of its proposed comparables features a full service, ALS department, such as the Township's, the Employer submits that any discrepancy in services provided can be addressed by using a percentage formula to rectify disparity in compensation.

The Union's Response

In general, the Union maintains that the Employer used no, or no sensible or consistent, criteria in selecting its proposed comparables, but rather selected those communities which more nearly "fit its expected agenda," that is, communities which the Union anticipates provide lesser wages and benefits. Noting that comparables usually fall within the range of 50% less than or more than the employer entity at issue, the Union points out that the Employer's proposed comparables range from 59.86% less than to 70.53% more than in the criteria of SEV Financing Base; 54.15% less than to 114% more than in the criteria of Population; and 28% less than to 190.75% more than in the criteria of Number of Runs. The Union further asserts that the Employer's choice of townships within 75 miles is also arbitrary and notes that Lansing Township is beyond the 75 mile range. Arguing in the alternative, the Union submits that even if the Employer's criteria are valid, those criteria are relevant only to ability to pay, a separate factor which must be considered when considering the unresolved issues on their merits. The Union asserts that the Employer is "putting the cart before the horse" because the most relevant criterion for the designation of comparable communities is the services performed by the bargaining unit. It points out that none of the Employer's comparables have the same level of service as the Department and that one of the proposed comparables (Bruce Township) does not have a unionized fire department.

DISCUSSION AND ANALYSIS

Identifying "comparable communities" is a perplexing task because the term is not defined or explained in the provisions of Act 312. As the Union points out, the only guidance appears in Section 9 (d), which provides:

- (d) Comparison of the wages, hours and conditions of employment of the employees involved in the arbitration proceeding with the wages, hours and conditions of employment of other employees performing similar services and with other employees generally:
 - (i) In public employment in comparable communities;

The task of identifying comparables is also perplexing because it turns on statistical evidence subject to change and distortion and averages which can be misleading. Finally, it is an elusive task because no one community is a mirror image of another in terms of each criterion relevant to comparability. Some communities may be closely comparable as to certain criteria, but not at all comparable as to other criteria.

This case presents an additional complexity - - each party relied on different criteria when proposing comparable communities. The task of identifying comparables is much simpler where the parties rely on the same criteria. Not surprisingly, the lack of agreement on criteria resulted in yet another difficulty - - the parties' lists are entirely different. Not even one community appears on both lists.

The Relevant Criteria

The first step is to identify the criteria most relevant to determining comparability in this case. Again, the statute provides very little guidance. The Union's primary criteria were bargaining history; unionization; geographic proximity (all located within Macomb County); and the similarity between fire departments, as indicated by the kind of EMS service provided (ALS plus transport). In contrast, the Employer relied upon the following criteria: geographic proximity (all located within 75 miles); similarity between fire departments, as indicated by the number of full-time fire fighters and the total number of runs, form of government, financing base, and population. The parties' lists feature only two common criteria: geographic proximity and similarity between fire departments. However, the parties relied on different indicia when evaluating the shared criteria.

Careful review of other comparability decisions shows that all the criteria relied upon by each party are relevant. See, for example, *Lapeer County Sheriff Department and Police Officers Labor Council*, Case No. D94 G-1627 and 1618 (Frost, 1997)[demographics, wealth and geographic proximity]; *City of Big Rapids and International Association of Firefighters, Local 1776*, MERC Case No. G94 B1020 (Sugarman, 1996)[population, SEV, budget, median family income, density, land area, fire service, and presence of a college or university]; *City of Jackson and Fire Fighters*, MERC Case No. L91 A0305 (Glendon, 1994)[population, community population as a percentage of county population, land area in square miles, per capita personal income, median household income, percentage of population in poverty, level of unemployment, total 1991 SEV, residential SEV as a percentage of that total, and number of authorized positions for sworn fire fighting personnel]; *Alpena County (Sheriff) and POAM*, MERC Case No. L92 B0399 (Sugarman, 1992)[population, geographical area, SEV, size, and structure of the work force]; and *City of Southfield and COAM*, 78 LA 153 (Roumell, 1982)[SEV, taxes, geographic proximity, per capita income].

In the circumstances of this case, the form of government will not be treated as a determinative or controlling criterion. Some Act 312 Chairs have excluded proposed comparables solely on the basis of having a different form of government. In other words, they refuse to consider a city to be comparable to a county. See, *Lapeer County Sheriff Department and Police Officers Labor Council*, MERC Case No. D94 G-1627 and 1618 (Frost, 1997); *Livingston County (Sheriff) and COAM*, MERC Case No. L85 D377 (Frankland) and *City of Port Huron and POAM*, MERC Case No. D85 G-1873 (Beitner). On the other hand, other Act 312 Chairs have considered a city to be comparable to a county. See, *Livingston County (Sheriff) and POAM*, MERC Case No. 87-H-2068 (Dobry, 1989); *Washtenaw County (Sheriff) and COAM*,

MERC Case No. D89 A-122 (Sefenvic); *Wexford County (Sheriff) and POAM*, MERC Case No. G85 L1079 (Vernava, 1988); and *Isabella County (Sheriff) and POAM*, MERC Case No. L86 J906 (Karlstrom).

In this case, there is particular reason not to automatically exclude proposed comparables featuring a different form of government. The reason is bargaining history. As discussed above, throughout their bargaining history the parties have relied on the list of comparables submitted by the Union in this case. That list of nine communities includes six which are municipalities and three which are, like the Employer, townships. Automatically excluding municipalities would ignore a critical aspect of bargaining history, also a relevant criterion in determining comparability.

The Union asserts that its list of comparables should be adopted because it has been used historically by the parties during negotiations. For reasons having to do with stability in the collective bargaining relationship, some Act 312 Chairs are willing to automatically adopt, as comparables, the list of communities found to have been comparable in a prior arbitration award involving the same parties. See, *City of Port Huron and Port Huron Fire Fighters*, MERC Case No. D86 D-1105 (Glazer); *City of Birmingham, and Birmingham Fire Fighters, Local 1248*, MERC Case No. D84 E-1618 (Glazer); and *City of Ann Arbor and Firefighters Assn.*, MERC Case No. D86 E-1120 (Frost). In contrast, other Act 312 Chairs have refused to adopt such a list. See, *Jackson City of Jackson and Fire Fighters, Local 1306*, MERC Case No. L91 A-0305 (Glendon). Arbitrator Glendon explained his refusal as follows:

This panel should base its decisions on current evidence, including relevant evidence of comparability, and its decisions must be its own, not merely adherence to the findings of a previous Act 312 arbitrator.

Pages 4 and 5.

Here, several reasons persuade the chair not to automatically adopt the Union's list. First, the list did not result from an analysis and finding of comparability by a prior arbitration panel. Second, as Arbitrator Glendon stated in the above quote, the job of this panel is to evaluate current evidence of comparability and to make its own decision. However, the communities on the Union's list deserve a certain degree of deference in order to respect and enhance the stability of the bargaining relationship. Thus, the chair will favor the communities on the Union's list with a presumption of comparability. The presumption is rooted in the parties' historical acceptance of these communities as comparable. However, the presumption of comparability may be overcome by evidence that the community is not, in fact, currently comparable to the Employer in at least 50% of the relevant criteria.

I adopt the following criteria as relevant to the Township's demographics and wealth: geographic proximity, SEV, SEV by Classification, Percentage Increase in SEV from 1995 to 1997, Per Capita SEV, SEV Per Fire Fighter, 1996 Tax Rates, Percentage Change in Tax Rate from 1986 to 1996, Land Area, Population, Percentage Change in Population from 1980 to 1990. Additionally, I adopt the following criteria as relevant to the Fire Department's demographics: Type of EMS Service Provided, Provision of EMS Transport, Number of Fire Fighters, Number of Runs, and Number of 24-hour Fire Stations.

For several reasons, significant weight will be given to geographic proximity. First, both parties stressed this criterion, as evidenced by the fact that the majority of comparables proposed by each party are located within Macomb County or within Oakland County, which borders Macomb County on the west. Second, close geographic proximity is a critical criterion in the sense that it describes the market area in which the Employer must compete for Fire Fighters. See, *City of Detroit and DPOA*, 408 Mich 410, 490 (1980). Additionally, close geographical proximity may signal shared characteristics such as "climate, avenues of transportation" and "sociopolitical values." See, *Sioux County, Iowa, Board of Supervisors*, 87 LA 552, 555 (1986).

The Selection Procedure

Each party's list has its own unique appeal and symmetry. The beauty of the Union's list is its conformance to bargaining history, location within Macomb County, and similarity of EMS services provided. The beauty of the Employer's list is that all comparables proposed feature the township form of government. Nothing in the statute requires the wholesale acceptance of the entire list proposed by one party or the wholesale rejection of the entire list proposed by the other party. Rather, specific communities on each list may be found comparable or not comparable. Thus, the chair will individually analyze each proposed community to determine its degree of comparability.

The chair will also be guided by the parties' recognition in their exhibits and arguments of the need for some consistency in range when comparing a proposed community with the Township as to a particular criterion. For example, the Employer used a 50% more than or less than range as a basis for comparing the number of full time fire fighters. However, the Employer used a different range, 50% less than or two times more than, as to other criteria, such as the SEV and total number of runs. Further, each party objected to the other's list, in part, on the basis of inconsistent ranges or ranges which varied widely.

To address this concern, the chair will analyze each proposed community on the basis of whether it is 50% more than or less than the Township as to the ten criteria adopted above. Additionally, the fire department of each proposed community will be evaluated on the basis of the five criteria adopted above. The criterion of geographic proximity will not be evaluated according to the 50% more than or less than range. With the exception of geographic proximity, the combination of criteria will be evaluated on balance to determine comparability. The balance for each proposed comparable will be different because each is a unique community. The ranking and value of a particular criterion may vary depending on the community.

Proposed Communities Found to be Comparable

The following Townships are found to be acceptable:

Brandon

Brandon Township is accepted as a comparable for the following reasons: Although located in Oakland County, it is less than 30 miles from the Employer, thus indicating it may be in competition with the Employer for Fire Fighting employees. It has the same form of government and is financed on the basis of a Special Assessment District on SEV. It falls within the range of 50% more than or less than the Employer in all ten criteria relevant to demographics and wealth. It comes the closest to matching the Township in terms of population and percentage in population change from 1980 to 1990. It also falls within three of the five criteria for similarity in fire departments (Number of Runs, Number of Fire Fighters, and Number of 24-Hour Stations). Its chief difference is the absence of ALS service and EMS transport.

Bruce

Bruce Township is accepted as a comparable for the following reasons: It is less than ten miles away from the Employer. It has the same form of government and is financed on the basis of a Special Assessment District on SEV. It falls within the range of 50% more than or less than the Employer in eight criteria (SEV, SEV by Classification [personal], Increase in SEV, Per Capita SEV, Per Fire Fighter SEV, 1996 Tax Rate, Percentage of Change in Tax Rate, and Land Area). Although it falls within only three of the criteria relevant to fire departments and it is not unionized, this is counterbalanced by the facts that it provides ALS services and that it is a participant with the Employer in the Macomb County Mutual Aid Pact.

Clinton

Clinton Township is accepted as a comparable for the following reasons: It is located within Macomb County and participates in the Pact. It has the same form of government. It has been treated in past negotiations as a comparable community and the evidence is not sufficient to overcome the presumption favoring its comparability. It falls within 50% more than or less than the Employer in seven criteria

(Increase in SEV, Per Capita SEV, Per Fire Fighter SEV, 1996 Tax Rates, Percentage Change in Tax Rates, Land Area, and Percentage Change in Population). Moreover, it comes the closest to the Employer as to SEV per Fire Fighter ((\$28,252,275 for Clinton and \$28,021,799 for the Employer). Although it has a larger fire department, like the Employer, it provides ALS services and EMS transport.

Harrison

Harrison Township is accepted as a comparable for the following reasons: It is located within Macomb County and participates in the Pact. It has the same form of government. It has been treated in past negotiations as a comparable community and the evidence is not sufficient to overcome the presumption favoring its comparability. It falls within 50% more or less than the Employer in seven criteria (SEV, SEV by Classification [residential and personal], Increase in SEV, Per Capita SEV, Per Fire Fighter SEV, 1996 Tax Rates, Percentage Change in Tax Rate). As to its fire department, it has the same number of fire stations and provides ALS service and EMS transport.

Independence

Independence Township is acceptable as a comparable for the following reasons: Although located in Oakland County, it is less than 30 miles away from the Employer. It has the same form of government. It falls within the 50% more or less than the Employer in nine criteria (everything but 1990 Population). It comes closest to the Employer in the areas of: 1995 to 1997 Percentage Increase in SEV, SEV Per Capita, and Land Area. As to its fire department demographics, it has only three more full time fire fighters than the Employer and only one more station. The totality of these matching factors counterbalance the fact that its fire department does not have ALS service or EMS transport.

Shelby

Shelby Township is accepted as a comparable for the following reasons: It borders the Employer on the south, is located within Macomb County, and participates in the Pact. It has the same form of government. It has been treated in past negotiations as a comparable community and the evidence is not sufficient to overcome the presumption favoring its comparability. It falls within 50% more or less than the Employer in seven criteria for demographics and wealth (Increase in SEV, Per Capita SEV, Per Fire Fighter SEV, 1996 Tax Rate, Percentage Change in Tax Rate, Land Area, and Percentage Change in Population). It comes the closest to the Employer in the areas of 1996 Tax Rates and the Percentage Change in Tax rates. Moreover, it provides the same level of services (ALS) as the Employer with EMS transport.

White Lake

White Lake Township is accepted as a comparable for the following reasons: It is less than 25 miles from the Employer, although located in Oakland County. It has the same form of government. It falls within 50% less than or more than the Employer in eight criteria for demographics and wealth (all but 1990 Population and Percentage Change in Population). Although its fire department does not provide ALS service or EMS transport, it falls within 50% more or less than the Employer in the areas of number of full-time Fire Fighters, number of runs, and number of 24-hour stations.

Additionally, the following non-Township communities are found to be acceptable as comparables. Although these communities feature a different form of government, this difference is overcome by the fact that each was relied upon as a comparable during prior negotiations between the parties. As stated above, this entitles each of these non-Township communities to a presumption of comparability. The evidence is not sufficient to overcome this presumption. First, even though each is located in the more commercially developed areas of Macomb County, each falls within a 50% more than or less than range of the Employer in at least 50% (five) of the ten criteria relevant to demographics and wealth, as more fully detailed below. Second, although each has a larger fire department than the Employer, this difference is outweighed by the fact that each department provides the same level of services as the Employer's Fire Department, i.e. ALS services plus EMS transport.

Eastpointe

Eastpointe is accepted as a comparable for the following reasons, in addition to those discussed above: It falls within the range of 50% more than or less than the Employer in five criteria (SEV, SEV by Classification [industrial, residential, and personal], Per Capita SEV, Per Fire Fighter SEV, and Percentage Change in Tax Rates).

Roseville

Roseville is accepted as a comparable even though it fails to fall within the range of 50% more or less than the Employer in 50% of the criteria. It falls within range in only four criteria (SEV by Classification [residential], Per Capita SEV, Per Fire Fighter SEV, and Percentage Increase in Tax Rate). However, its failure to meet the 50% threshold in the area of community demographics is counter balanced by the fact that its fire department has the same number of 24-hour stations and provides the same level of EMS services as well as EMS transport.

St. Clair Shores

St. Clair Shores is accepted as a comparable for the following reasons, in addition to those discussed above: It falls within the range of 50% more than or less than the Employer in five criteria (SEV by Classification [personal]; Per Capita SEV, Per Fire Fighter SEV, 1996 Tax Rates, and Percentage Change in Tax Rates).

Sterling Heights

Sterling Heights is accepted as a comparable for the following reasons, in addition to those discussed above: It falls within the range of 50% more than or less than the Employer in five criteria (Percentage Increase in SEV, Per Capita SEV, Per Fire Fighter SEV, Percentage Change in Tax Rates, and Land Area).

Communities Rejected as Comparables

Buena Vista Township, Lansing Township, and Summit Township

Buena Vista Township, Lansing Township, and Summit Township are rejected as comparables chiefly on the basis of their distance from the Township. Each is 55 to 76 miles away from the Township, more than twice as far as any other proposed comparable, including those in Oakland County, which are about 25 miles away. As discussed above, this distance indicates that the Employer is most likely not in competition with these communities for Fire Fighters. The distance also suggests different sociopolitical attitudes. A second basis for rejecting these communities is the difference in services provided by their fire departments compared to the Department. None of the rejected communities provide ALS services with EMS transport. An additional reason for rejecting Lansing Township is that it does not fall within the range of 50% more than or less than the Employer in at least 50% of the criteria for community demographics and wealth.

Mt. Clemens

Mt. Clemens is rejected as a comparable on the basis that the evidence is sufficient to overcome the presumption of comparability. The evidence proves it fails to fall within the range of 50% more than or less than the Employer in at least 50% of the criteria for community demographics and wealth. It falls within the 50% more or less than range in only four criteria (SEV, SEV by Classification [residential and personal], Percentage Change in Tax Rate, and 1990 Population). In the area of fire department demographics, it does not provide EMS services or transport.

Warren

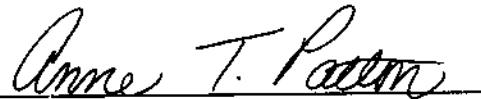
Warren is rejected as a comparable on the basis that the evidence is sufficient to overcome the presumption of comparability. It fails to fall within the range of 50% more than or less than the Employer in at least 50% of the relevant criteria for community demographics and wealth. It falls within the range in only four

criteria (Per Capita SEV, Per Fire Fighter SEV, Percentage Change in Tax Rates, and Land Area). Its failure to meet the 50% threshold in the area of community demographics is not counter balanced by similarity in fire department demographics. Although it provides the same level of services, it has three times the number of 24-hour stations, thirteen times the number of fire fighters, and more than ten times the number of runs in 1997.

FINDINGS

The following 11 communities are adopted as comparables for the purpose of this Act 312 proceeding:

Brandon Township
Bruce Township
Clinton Township
Eastpointe
Harrison Township
Independence Township
Roseville
St. Clair Shores
Shelby Township
Sterling Heights
White Lake Township

A handwritten signature in cursive script, reading "Anne T. Patton", is written over a horizontal line.

Anne T. Patton, Impartial Chair

Dated: November 16, 1998