

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES
BUREAU OF CORPORATIONS, SECURITIES AND LAND DEVELOPMENT
SURVEY AND REMONUMENTATION COMMISSION

GENERAL RULES

(By authority conferred on the department of commerce by section 17 of Act No. 345 of the Public Acts of 1990, being S54.277 of the Michigan Compiled Laws)

R 54.201 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means Act No. 345 of the Public Acts of 1990, being S54.261 et seq. of the Michigan Compiled Laws.

(b) "Applicant" means a county or counties that apply for a grant pursuant to the act.

(c) "Application" means a grant application on a form that is prescribed by the commission.

(d) "Commission" means the state survey and remonumentation commission that is created pursuant to the act.

(e) "Grant agreement" means the annual contract between the state and an applicant that includes the work program to be undertaken.

(f) "County grant administrator" means a person who is appointed by the county board of commissioners as the individual who is responsible for completing and submitting the annual application for survey and monumentation grant to the state of Michigan and administering the approved annual grant. The county grant administrator's duties shall be set forth in the commission-approved county plan.

(g) "County representative" means the person who shall perform any duties that are assigned by law and other duties as described in the commission-approved county plan and who is either of the following entities, as applicable:

(i) The county surveyor, whether elected or appointed, pursuant to the provisions of section 95 of chapter 14 of the Revised Statutes of 1846, as amended, being S54.95 of the Michigan Compiled Laws.

(ii) The licensed surveyor who is appointed by the county board of commissioners if the county does not have a county surveyor.

(h) "Recipient" means an applicant that receives a grant award pursuant to the act.

(2) Terms defined in the act have the same meanings when used in these rules.

History: 1992 AACS.

R 54.202 Commission meetings.

Rule 2. For commission meetings, a majority of the members of the commission constitutes a quorum. All business is transacted by motion. To approve a motion, there shall be support by a majority vote of the members who are present at the meeting, including the chairperson. An agenda shall be prepared and made available to the public at a time in advance of, and at, the meeting.

History: 1992 AACS.

R 54.203 Right of appeal.

Rule 3. A person, firm, corporation, public body, or agency that is aggrieved by a fund grant decision of the commission or the executive director of the commission may request, in writing, that the commission hold a hearing pursuant to the provisions of Act No. 306 of the Public Acts of 1969, as amended, being S24.201 et seq. of the Michigan Compiled Laws.

History: 1992 AACCS.

R 54.204 Fund grant eligibility requirements.

Rule 4. To be eligible to receive a grant from the fund, a county shall comply with the requirement of section 14 of the act and shall appoint a county grant administrator. The county shall also appoint a representative, if the county has abolished the position of county surveyor in accordance with law.

History: 1992 AACCS.

R 54.205 Fund grant application process.

Rule 5. (1) The county representative shall provide information for a fund grant application to the county grant administrator as set forth in the commission-approved county plan.

(2) The county grant administrator shall provide all information that is required on the application forms and sign, date, and attest that all statements on the application forms are true, complete, and accurate to the best of the administrator's knowledge.

(3) All applications shall be submitted to the commission's executive director, who shall review the applications based on the criteria listed in subrule (4) of this rule and forward the applications to the commission with his or her analysis and recommendations.

(4) The commission's application review shall be based on the following criteria:

(a) The eligibility of the applicant.

(b) The grant application is for funds to carry out a portion of the commission-approved county plan.

(5) The commission may solicit a legal or technical review of an application from other sources.

History: 1992 AACCS.

R 54.206 Award of fund grants.

Rule 6. (1) A fund grant shall be awarded to an applicant if approved by the commission and if all of the following criteria have been met:

(a) The application has met all of the eligibility requirements specified in R 54.204.

(b) Sufficient funds are available.

(c) The applicant has been presented, and has accepted, a final grant agreement.

(2) The commission shall require, as part of the approval of the grant, that an applicant comply with all necessary federal, state, or local laws and ordinances, if applicable.

(3) A grant shall be discontinued in accordance with the provisions of section 15 of the act if the commission determines that a project is not progressing as specified in the grant agreement.

(4) Any official action of the commission on any grant shall be by an affirmative vote of a majority of the commission members.

(5) The commission shall award grants consistent with the provisions of section 12 of the act.

(6) The commission shall reject any application if there is a lack of supportive data or if the commission determines that the application is not in compliance with the objectives of the act.

History: 1992 AACCS.

R 54.207 Contract requirements; notice to subcontractors of use of state funds.

Rule 7. (1) All contracts that are related to the work program for which a fund grant is awarded shall be in compliance with the grant agreement that is entered into between the recipient and the state of Michigan and shall be in compliance with all applicable state laws and rules.

(2) The recipient of a fund grant shall inform all subcontractors that state funds shall be used to assist in the work program and that relevant state requirements shall apply.

History: 1992 AACCS.

R 54.208 Disbursement of fund grant monies.

Rule 8. Funds shall not be disbursed before the execution of the grant agreement and all funds shall be dispersed as set forth in the grant agreement.

History: 1992 AACS.

R 54.209 Establishment by recipient of accounting system and internal controls.

Rule 9. A recipient is required to establish and maintain a system of accounting and internal controls recognized by the state treasurer, local audit division, as acceptable county accounting practices.

History: 1992 AACS.

R 54.210 Retention of financial records.

Rule 10. A recipient shall retain all financial records, supporting documents, statistical records, and all other records that are pertinent to a grant for a period of 3 years, with the following qualifications:

(a) If any litigation or audit is started before the expiration of the 3-year period, the records shall be retained for 7 years from the date of the audit report or shall be retained until all litigation, claims, or audit findings that involve the records have been resolved, whichever is later.

(b) Records for nonexpendable property that is acquired with the grant funds shall be retained for 7 years after final disposition of the property.

(c) When records are transferred or maintained by the commission, the 7-year retention requirement is not applicable to a recipient.

(d) The retention period starts from the date of acceptance of the final performance report for the grant.

History: 1992 AACS.