

ALGER COUNTY BOARD OF COMMISSIONERS

Mary Ann Froberg, Clerk
101 COURT STREET, MUNISING, MI 49862

RESOLUTION #2014-18

WHEREAS, the U.S. Environmental Protection Agency (EPA) issued a final direct rule on July 2, 2014, that would allow the agency to conduct administrative wage garnishment. Unless the EPA takes action to actively withdraw the rule, the EPA will be able to garnish the nonfederal wages of private citizens to collect unpaid fines without a court order effective September 2, 2014; and

WHEREAS, the EPA has a long history of regulatory overreach and issuing substantial fines against ordinary citizens conducting activities, ultimately determined to be legal, on their own property. The EPA can administratively fine individuals hundreds of thousands of dollars per day, easily large enough to ruin a family. At the same time, disputes over EPA jurisdiction and enforcement are common and have been successfully challenged in case after case; and

WHEREAS, administrative wage garnishment will compound the problems already faced by property owners attempting to fight questionable EPA actions. This process will allow EPA to dictate the procedures for challenging fines and wage garnishment, and remove it from a neutral court setting. The EPA will be able to decide if an individual can present an oral defense, choose the hearing officer, and determine the site of the hearing. The burden of proof will be on the individual, not the agency. In short, administrative wage garnishment will allow an agency with institution-wide issues unbridled discretion to judge its own actions and further power to suppress challenges to its authority; and

WHEREAS, Senator Thomas Casperson has offered this same resolution as SR 168; now

THEREFORE BE IT RESOLVED, that this Board of Commissioners vehemently opposes the U.S. Environmental Protection Agency's proposal to garnish wages without a court order and wholly supports SR 168; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Governor Rick Snyder, Senator Carl Levin, Senator Debbie Stabenow, Representative Dan Benishek, Senator Tom Casperson, Representative John Kivela, all Michigan counties, the Michigan Association of Counties, the Administrator of the U.S. Environmental Protection Agency, and the National Association of Counties.

Adopted this 15th day of September, 2014.





Jerry Doucette, Chairman
Alger County Board of Commissioners

STATE OF MICHIGAN)
County of Alger)

I, Mary Ann Froberg, Clerk of the County of Alger and of the County Board of Commissioners, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the Board at a regular meeting on September 15, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County of Alger, this October 9, 2014 at Munising, Michigan.

Mary Ann Froberg, Clerk