



MCOLES

Michigan Commission on Law Enforcement Standards

Commission Resolution 2017-03 Delegation of Authority

WHEREAS, the current Executive Director will be resigning effective May 17, 2017; and,

WHEREAS, a replacement Executive Director will not be appointed by May 17, 2017; and,

WHEREAS, the Commission, the Executive Director, the Deputy Executive Director, and other Staff are responsible for the performance of statutory functions established in the Michigan Commission on Law Enforcement Standards Act, the Michigan Justice Training Act, Executive Order 2001-5, the Public Safety Officers Benefit Act, Chapter III of the Code of Criminal Procedure, and the Michigan Retired Law Enforcement Officer's Firearm Carry Act; and,

WHEREAS, § II B of Executive Order 2001-5, codified as MCL 28.621, further provides that the Executive Director shall administer the functions of the Michigan Commission on Law Enforcement Standards Act and the Michigan Justice Training Act; and,

WHEREAS, consistent with long-standing practice, § 2(b) of the Michigan Commission on Law Enforcement Standards Act contemplates that the Commission will expressly delegate the performance of statutory functions to the Executive Director and Staff; and,

WHEREAS, the Commission has traditionally performed, without delegation, several statutory functions; and,

WHEREAS, to address this need, it is appropriate to expressly delegate the responsibility for performance of statutory functions to the Deputy Executive Director that would otherwise be performed by the Executive Director; and,

WHEREAS, the Commission may modify the delegations made in this Resolution to ensure that functions performed by the Deputy Executive Director and Staff are consistent with past practices and policies, and to address concerns as they arise; and,

WHEREAS, when a replacement Executive Director is appointed, it will be necessary for the Commission to modify or rescind this Resolution;

BE IT FURTHER RESOLVED that:

1. The Commission delegates to the Deputy Executive Director the responsibility to perform, and to supervise the Staff's performance of, the statutory functions described in the Michigan Commission on Law Enforcement Standards Act, the Michigan Justice Training Act, Executive Order 2001-5, the Public Safety Officers Benefit Act, Chapter III of the Code of Criminal Procedure, and the Michigan Retired Law Enforcement Officer's Firearm Carry Act, excluding:
 - a. Appointing an Executive Director of the commission;
 - b. Assigning functions and duties to the Executive Director;

- c. Electing a chairperson and vice-chairperson;
 - d. Functions related to conducting Commission meetings;
 - e. Approving administrative rules; and
 - f. Approving grant awards.
2. This express delegation is made with the understanding that it requires the Deputy Executive Director to work out of class, as provided in Civil Service Rule 4-5, while performing the functions that would otherwise be performed by the Executive Director.
 3. To account for the Deputy Executive Director working out of class, the Commission will seek necessary prior approvals from Civil Service staff as provided in Civil Service Rule 4-5.
 4. This express delegation is made with the understanding that it requires the Deputy Executive Director to be registered as a Lobbyist Agent as provided in 1978 PA 472 as amended, while performing the functions that would otherwise be performed by the Executive Director.
 5. The Commission may modify or rescind this Resolution as circumstances require, and upon appointing a replacement Executive Director.
 6. This Resolution shall take effect on May 17, 2017 and remain in effect until it is modified or rescinded by the Commission.

Unanimously adopted by the Michigan Commission on Law Enforcement Standards on April 19, 2017.


Michael Wendling, Chair