

Agenda
Tuscola County Board of Commissioners
Committee of the Whole – Monday, July 24, 2017 – 8:00 A.M.
HH Purdy Building - 125 W. Lincoln, Caro, MI

Finance
Committee Leaders-Commissioners Kirkpatrick and Bierlein

Primary Finance

1. Indigent Defense Overview and Appointment of County Members (See A)
2. Equalization Staffing Changes and Budget Amendments (See B)
3. Request to Receive Status/Progress Reports Regarding Caro Center (See C)
4. Budget Amendment for Security Network Specialist Hiring (See D)
5. County Planning Commission Budget Amendment Request
6. Jail Overcrowding
7. Purchase of Pool Car for Juvenile Staff

On-Going and Other Finance

1. Monitor Wind Turbine Development and Assessing/Taxation Dispute
2. Continue Review of Road Commission Legacy Costs
3. Road Patrol and Senior Citizen Millage Planning Update
4. House Bill 4184 – Potential Physical Presence Required to Vote
5. July 12, 2017 Meeting to Discuss Value Added Agriculture

Personnel
Committee Leader-Commissioner Bardwell

Primary Personnel

On-Going and Other Personnel

1. Reporting Relationship (Nepotism Policy)
2. Initiate Turnover and Wage Survey to Minimize Vulnerability to Loss of Critical Positions
3. Update Personnel Policies with Federal Changes such as ACA, Exempt/non-Exempt
4. Review Re-Establishment of Judicial Committee Meetings
5. Review Formation of Quarterly Meetings with Senior Leaders and Road Commissioners
6. Method to Communicate County Concerns to State Senator and Representative

Building and Grounds
Committee Leaders-Commissioners Young and Vaughan

Primary Building and Grounds

On-Going and Other Building and Grounds

1. Vanderbilt Park Update
2. Jail Plumbing Update

3. Recycling Relocation Next Steps
4. Update 10 Year Capital Improvement Plan
5. Continue Work with Jail Planning Regarding Potential Jail Renovation and Additional Jail Bed Space for Holding Cells and Potential Revenue Generation
6. Implement 2017 Budgeted Capital Improvement Projects
7. Fire Safety Planning
8. Security/Safety Committee – Methods to Enhance Security – Next Steps

Other Business as Necessary

1. Former Vassar Foundry
2. Dairy Farmers of America – Cass City
3. Dispute with Wind Companies Tax Tribunal Meeting 9/18/17
4. Caro Dam
5. Airport Authority
6. Dispatch Authority Pager Issue
7. MAC 7th District Meeting 8/14/17
8. State of the Bay 9/27/17

Public Comment Period

A

mhoagland@tuscolacounty.org

From: Amy Gierhart <agierhart@tuscolacounty.org>
Sent: Monday, July 17, 2017 9:24 AM
To: Hon. Kim David Gaspie; Sheila Long; Caryn Michalak; Mark Reene; Eric Wanink; Glen Skrent; Brian Harris; Mike Miller; Mike Hoagland; Eean Lee; Sandra Erskine
Subject: Indigent Defense Commission Compliance Plan Meeting

Hello all:

As you may or may not know, the county is obligated to draft a compliance plan with the first 4 standards enacted by the Michigan Indigent Defense Commission. The due date for the plan is November 20.

While these plans primarily deal with court operations, there are portions which would require input from the jail and maintenance, as there may be remodeling and such required. Also, IT should be involved to the extent that additional technology equipment may be necessary.

Now before you reach any conclusions, the beauty of our first plan is that the State of Michigan will be paying for these changes and updates. So, I would like to try to maximize their resources in improving our indigent defense delivery system, as well as physically improving county assets.

The first meeting of this "workgroup" is scheduled for Thursday, August 10, 2017 at 2 pm in the Circuit Courtroom. You are included on this email because your department is a necessary participant in this process. This meeting will take about 2 hours and will be of an introductory nature.

If you want to learn more about these standards and their implementation, please take a look at www.michiganidc.gov

Thank you for your assistance.

Judge Gierhart

--
Hon. Amy Grace Gierhart
Chief Judge, Tuscola County Courts
54th Judicial Circuit Court Judge
440 N. State Street
Caro, MI 48723
tele: [\(989\) 672-3720](tel:(989)672-3720)
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STATE OF MICHIGAN



54TH JUDICIAL CIRCUIT COURT

HON. AMY GRACE GIERHART
CIRCUIT COURT JUDGE

440 NORTH STATE STREET
CARO, MICHIGAN 48723

(989) 672-3720

July 13, 2017

Mr. Mike Hoagland
125 W. Lincoln St
Caro, MI 48723

VIA HAND DELIVERY

RE: Presentation by Barbara Klimaszewski, Regional Manager-Mid Michigan
Michigan Indigent Defense Commission (MIDC)

Dear Mr. Hoagland:

Enclosed please find "A Guide for Submission of Compliance Plans, Cost Analyses, and Local Share Calculations", which I took from the MIDC website. I am asking that you distribute this to the commissioners for their review prior to Barb's presentation on July 24. It is a short overview of the applicable statutes and requirements.

I am in the process of putting together a work group of stakeholders to draft our compliance plan. It would be desirable to have the participation of at least one commissioner and perhaps yourself, or other appropriate financial delegate. Our first meeting will be Thursday, August 10, 2017 at 2pm in the Circuit Courtroom. Because this is our first meeting, I expect the meeting to take 2-2 ½ hours. In addition to discussing the macro, I would also like to divide into the micro, as certain stakeholders have more interest in certain aspects of the compliance plan, but not so much other portions, ie. maintenance department and/or jail administrator. So, everyone won't necessarily have to come to every meeting.

Caryn, Clayette, and Renee are working diligently to put together the local share calculation. I am hoping that calculation will be completed and available on July 24.

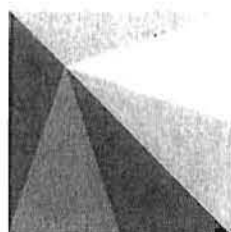
The MIDC website has a plethora of additional information on many of the relevant topics.
www.michiganidc.gov

Thank you for your cooperation in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Amy Grace Gierhart", with a long, sweeping horizontal line extending to the right.

Amy Grace Gierhart



MICHIGAN INDIGENT
DEFENSE COMMISSION

**A GUIDE FOR SUBMISSION OF
COMPLIANCE PLANS,
COST ANALYSES,
AND LOCAL SHARE
CALCULATIONS**

Summer 2017

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Applicable Statutes

Local Share Definition

"Local share" or "share" means an indigent criminal defense system's average annual expenditure for indigent criminal defense services in the 3 fiscal years immediately preceding the creation of the MIDC under this act, excluding money reimbursed to the system by individuals determined to be partially indigent." MCL §780.983(g).

MIDC Creates Rules and Procedures for Compliance Plans for Indigent Criminal Defense Systems

"Establishing rules and procedures for indigent criminal defense systems to apply to the MIDC for grants to bring the system's delivery of indigent criminal defense services into compliance with the minimum standards established by the MIDC." MCL §780.989(1)(g).

Indigent Criminal Defense System Creates Compliance Plan

"Except as provided in subsection (2), every local unit of government that is part of an indigent criminal defense system shall comply with an approval plan under this act." MCL §780.997(1).

A system's duty to comply under the terms of its proposed plan as prescribed under subsection (1) is contingent upon receipt of a grant in the amount contained in the plan and cost analysis approved by the MIDC. MCL 780.997(2).

"No later than 180 days after a standard is approved by the department, each indigent criminal defense system shall submit a

plan to the MIDC for the provision of indigent criminal defense services in a manner as determined by the MIDC and shall submit an annual plan for the following state fiscal year on or before February 1 of each year. A plan submitted under this subsection shall specifically address how the minimum standards established by the MIDC under this act shall be met and shall include a cost analysis. The standards to be addressed in the annual plan are those approved not less than 60 days before the annual plan submission date. This cost analysis shall include a statement of the funds in excess of the local share, if any, necessary to allow its system to comply with the MIDC's minimum standards." MCL §780.993(3).

Approval of Compliance Plans

"The MIDC shall approve or disapprove a plan or cost analysis, or both a plan and cost analysis, submitted under subsection (3), and shall do so within 60 calendar days of the submission of the plan and cost analysis. If the MIDC disapproves the plan, the cost analysis, or both the plan and the cost analysis, the indigent criminal defense system shall consult with the MIDC and submit a new plan, a new cost analysis, or both within 30 calendar days of the mailing date of the official notification of the MIDC's disapproval." MCL §780.993(4).

Compliance After Funding

"Within 180 days after receiving funds from the MIDC under subsection (7), an indigent criminal defense system shall comply with the terms of the grant in bringing its system into compliance with the minimum standards established by the MIDC for effective assistance of counsel." MCL §780.993(10).

Introduction

On May 22, 2017, the Department of Licensing and Regulatory Affairs approved the first four minimum standards for indigent criminal defense systems in the State of Michigan. Systems, defined as trial court funding units or a collaboration of trial court funding units in certain circumstances, have until **November 20, 2017**, to submit to the MIDC their plans for addressing the implementation of the standards. These guidelines are designed to assist with the preparation of the cost analysis and compliance planning for delivering indigent criminal defense services. Efficient and cost effective models for delivering indigent criminal defense services are encouraged wherever possible.

The system should identify its desired delivery method. Multiple models ranging from a defender office, an assigned counsel list, contract attorneys, or a mix of systems are available. New public defender offices or managed assigned counsel systems are encouraged where appropriate. In some areas, more than one delivery method will need to be in place to comply with the minimum standards and to provide the highest quality of indigent defense to people who are poor and accused of crimes.

The MIDC Act states that if an indigent caseload is sufficiently high, then a mixed system combining a public defender office and an appointment system may be used. For more information about creating a new system, please see *Delivery System Reform Models: Planning Improvements in Public Defense* (MIDC, December 2016) available on the MIDC's website: <http://bit.ly/midcguide> Whether implementing a new model, or maintaining an existing delivery system, the compliance plans must address how the minimum standards will be met. Efficient models of indigent defense delivery systems that can partner with multiple court funding units where feasible are desired.

Systems are encouraged to include all relevant stakeholders in addressing the new standards, proposing changes to existing

systems, and analyzing the cost of meeting the new standard requirements. Suggestions for stakeholders include, but are not limited to: representatives from the trial court funding unit's administration (i.e. county administrators/controllers, city managers, township supervisors, or their designees), trial court judges, court administrators, members of the local defense bar and local prosecutors. In the case where the system's funding unit is a county, it is strongly recommended that plans submitted are inclusive of the indigent defense services in both the circuit and all of the district courts of the county.

Compliance Plan Components

All compliance plans will need to address the following general information;

- The local system contact for the submitted plan (phone, email, address)
- A local financial contact for the post award fiscal administration
- Trial court funding unit(s) and court(s) included in the plan
- The identification of stakeholders or committee members involved in the planning process
- Collaborative plans must list all systems and trial courts associated with the plan

The submitted plan will address each standard individually. A statement is required to identify and expand on the current or existing state of the system's process or work in subject the area of the standard. The submission will then need to highlight the changes or enhancements needed to achieve the standard, if any. A cost analysis for the implementation issues related to each standard is required. Reasonableness will be stressed and a list or guideline for allowable costs will be provided. **Costs cannot be excessive.** It will be difficult for this guideline to be exhaustive of all possible financial scenarios. To minimize rejections after official

submission, systems should contact their MIDC Regional Manager, before submissions, to discuss compliance plan costs that pose situations not addressed in guidelines.

Local Share

The MIDC Act requires maintenance of a certain level of funding by the local system(s), defined as the local share. The calculation of the local share involves the capture of expenditures for adult indigent defense costs for the three fiscal years preceding enactment of Public Act 93 of 2013. The costs are then offset by the corresponding collections or payments for court appointed counsel services in the same time period on behalf of defendants made by either an individual or an agency.

The submission shall identify a methodology employed to achieve the local share. A certification of the local share calculation, acknowledged through local official authorization, shall be a requirement of the plan. Awards will then be calculated as the sum of the approved cost analysis per standard offset by the local share.

Funding Process

A condition of award to the local system(s) shall include the grantee securing and supplying to the MIDC a resolution from the local legislative branch (board of commissioners, city council) for the creation of a new fund within the local chart of accounts. The sole purpose of this fund shall be for accepting the grants funds from the MIDC and charging all plan-related costs to this fund. As a condition or assurance upon accepting the award, this fund will allow for better management of the grant funds and monitoring by the local and state interested parties. The local fund description shall allow for any fund balance not to revert to the general fund at the close of a fiscal year. Rollover funds will be used for expenditures that cross fiscal years as well as unexpended funds to be used for future compliance expenditures.

General Guidelines for Compliance Plans

Cross-Standard Principles

Administrator for Delivery Systems

A funding unit considering the use of a managed assigned counsel system or public defender administrator must use a licensed attorney in good standing with the State Bar of Michigan for all duties involving management or oversight of attorneys or cases within the system.

Defense Attorneys – Direct Service Providers

All attorneys identified by the funding unit to provide direct representation to indigent defendants must be licensed attorneys in good standing with the State Bar of Michigan and are bound by the Michigan Rules of Professional Conduct. Until approval of Minimum Standard 8, Economic Disincentives or Incentives, funding unit employees or contract providers shall be given reasonable compensation.

Non-Lawyers – Direct Service Providers and Interdisciplinary Defense Teams

Provided they are used to comply with minimum standards, grant funds can be used to hire employees or independently contract with licensed private investigators, or experts in any field recognized in the criminal justice community, to assist the defense.

Public Defender and Managed Assigned Counsel Systems

Systems may choose to set up regional or local delivery system reform models such as public defender offices or managed assigned counsel programs to meet the minimum standards. Set-up and operational costs should be included.

Regional Cooperation

The Commission urges efficient models of providing indigent defense. In some communities, multiple funding units may collaborate to deliver indigent defense services. The statutory authority for multiple counties cooperating in a regional delivery

system model can be found in the Urban Cooperation Act of 1967, at M.C.L. § 124.501 et. seq.

Travel

Any travel related expenses requested for compliance planning shall not exceed the allowable rates provided by the "Schedule of Travel Rates" and the general policies for reimbursement of travel adopted by the State of Michigan. Rates can be found online at http://www.michigan.gov/dtmb/0,5552,7-150-9141_13132---,00.html

Absent extraordinary circumstances, no grant funds for out-of-state travel will be awarded for compliance plans.

Standard 1 – Training and Education

Pursuant to MIDC Standard 1.D, system practices that require assigned counsel to subsidize mandatory training will not be approved. Training shall be funded through compliance plans submitted by the local delivery system or other mechanism that does not place a financial burden on assigned counsel.

In the compliance plan, provide the names and P#s of all attorneys who will provide indigent defense in the year covered by the compliance plan. Further identify in that category how many of those attorneys have practiced criminal defense for two years or less.

In the plan and cost analysis, describe whether the training is part of the 12 hours of annual continuing legal education (CLE) and/or skills training for new lawyers.

For **new training programs**, identify the cost of set-up and implementation including personnel, contractors, equipment, supplies, and operating expenses. For **existing training programs**, identify the number of attorneys to be trained, the courses or programs that will be attended with a cost of registration/tuition (using a rate of no more than \$25 per credit hour), travel, and other expenses.

For webinars, such as the National Association for Public Defense, use an annual rate of \$20/per criminal defense attorney for membership and access to programming.

For the Michigan State Appellate Defender Office's (Criminal Defense Resource Center) online resources, use an annual rate of \$50/per criminal defense attorney for membership and access to programming.

Standard 2 – Initial Interview

If public defender offices need additional attorneys to comply with the initial interview standard, funding units may seek grant funds for personnel.

Other systems may need to change contracting or assigned counsel compensation policies. Funding units, using a contract or rotating assignment system, shall pay attorneys for the initial interview in all assigned criminal cases. Attorneys shall be compensated a reasonable fee for the initial interview. Confidential video visits are permissible for initial interviews with in-custody defendants.

Efficient use of technology (such as the use of PolyCom systems) and existing space in courthouses and jails in lieu of construction projects is encouraged to ensure and facilitate confidential interview space. Equipment can be included in the cost analysis of the compliance plan.

Standard 3 – Investigation and Experts

Funding units may seek grant funds to employ licensed investigators as needed to comply with Standard 3, and/or seek grant funds to contract with investigators or any expert witness identified as necessary to assist with the defense of an indigent client. Funding Units may seek grant funds for a **line item expense** for this purpose. A forthcoming MIDC publication on

allowable expenses will describe the maximum funding for this purpose.

Standard 4 – Counsel at First Appearance and other Critical Stages

Funding Units with public defender systems may seek grant funds to hire defense attorneys to comply with the standard for counsel at first appearance.

Funding units using a contract or rotating assignment system shall pay attorneys for the first appearance in a criminal case. A flat-rate can be paid to an attorney to be available on an on-call basis; until the approval of Standard 8 providing more specific guidelines, counsel shall be paid a reasonable fee.

Resources and Contact Information

MIDC website: www.michiganidc.gov

MIDC main office: 200 N. Washington Sq, 3rd Floor, Lansing
517-657-3066

Questions, anytime: email info@michiganidc.gov

Information about standards <http://michiganidc.gov/standards/>

White Papers to assist with compliance planning:

http://michiganidc.gov/wp-content/uploads/2017/03/White-Papers_Complete-Set-with-Standards.pdf

Delivery System Reform Models: Planning Improvements in Public Defense (MIDC, December 2016): <http://bit.ly/midcguide>

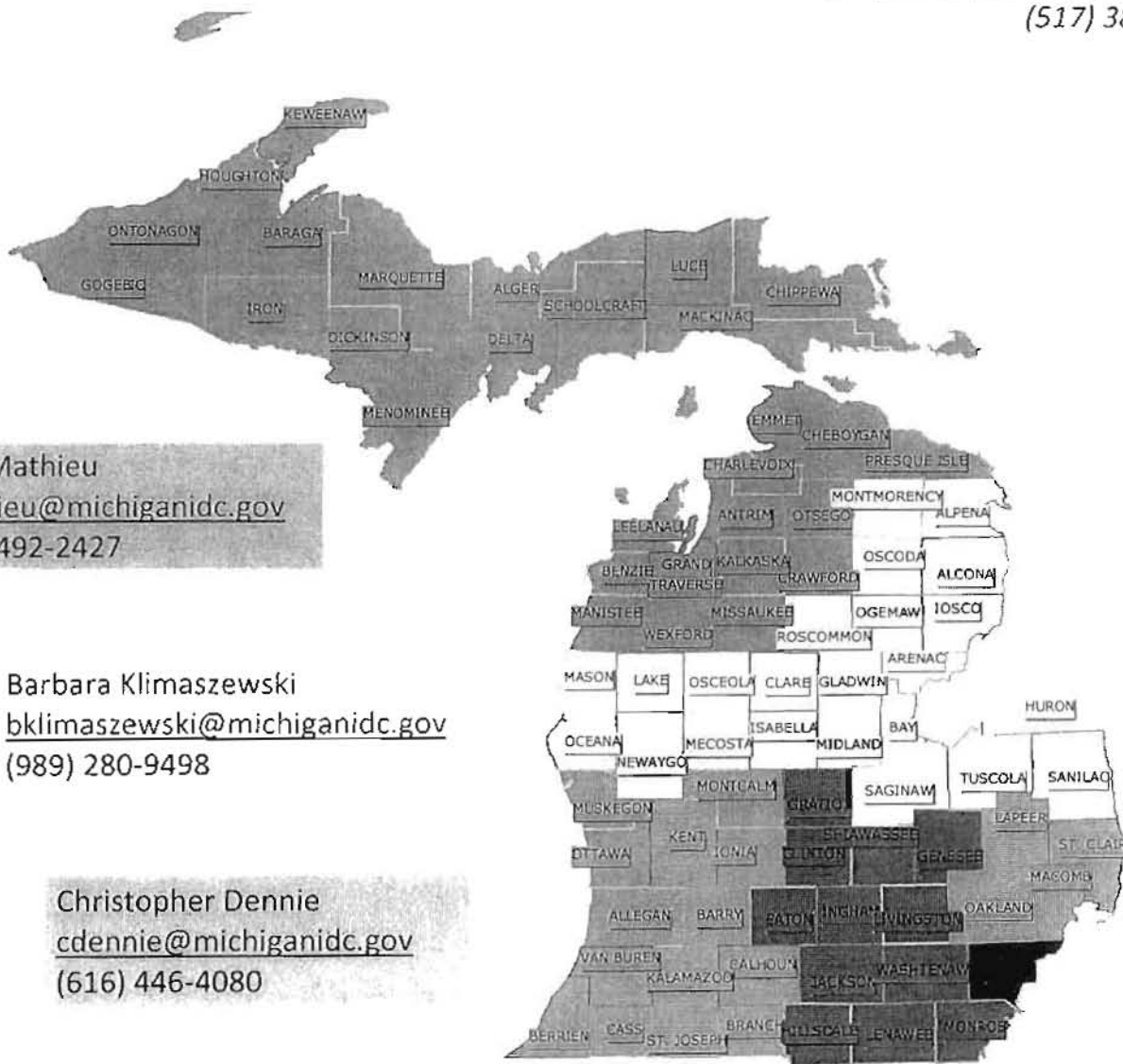
***To schedule a meeting with a Regional Manager,
see the attached map for details and contact
information, also available online at:***

<http://michiganidc.gov/midc-regional-consultant-assignment-and-contact-information/>

Michigan Indigent Defense Commission

Regional Manager Assignments

Contact: Marla McCowan
Director of Training, Outreach & Support
mmccowan@michiganidc.gov
(517) 388-6702



Jana Mathieu
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Kelly McDaniel
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Tanya Grillo
tgrillo@michiganidc.gov
(586) 638-6546



mhoagland@tuscolacounty.org

From: mhoagland@tuscolacounty.org
Sent: Friday, July 21, 2017 9:07 AM
To: 'Bardwell Thom'; 'Bierlein Matthew'; 'Kim Vaughan'; 'Kirkpatrick Craig'; 'Tom Young'
Cc: Angie Daniels; Clayette Zechmeister (Clayette Zechmeister)
Subject: Update Regarding Equalization

Commissioners

The County Equalization Department has provided assessing services to the City of Caro for seven years. The program has been beneficial to both the County and City. Recently a new contract with the City was approved that lowers annual contract cost from \$47,019 to \$29,080. The recommendation to reduce the contract amount was made by the Equalization Director after a review of time required to perform assessing services. The review showed that less time and cost is required now to perform services than in earlier start-up years. This primarily results from completion of automated databases and increased use of technology. However, the Director wants to keep the program financially beneficial to the County and pay for the portion of the Director's salary that is tied to the contract. In order to accomplish this objective the part-time position in the Equalization Department was discontinued. The following is the recommended budget actions regarding this matter.

- Move that as a result of changes in the Caro Assessing contract the general fund revenue budget be amended and Equalization Department expenditure budgets be amended for staffing changes and other appropriate line items.

Michael R. Hoagland
Tuscola County Controller/Administrator
989-672-3700
mhoagland@tuscolacounty.org

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mhoagland@tuscolacounty.org

From: mhoagland@tuscolacounty.org
Sent: Thursday, July 13, 2017 3:33 PM
To: Senator Mike Green; Representative Canfield
Cc: 'Bardwell Thom'; 'Bierlein Matthew'; 'Kim Vaughan'; 'Kirkpatrick Craig'; 'Tom Young'
Subject: Progress Reports on the new State Psychiatric Facility

Senator Green and Representative Canfield

Let me start by again thanking both of you for your unwavering work to assure that the new State Psychiatric Facility was built here in Tuscola County. What a tremendous success story.

Is there a way that we can receive progress reports as this project unfolds. Maybe information you receive from the state agency, department, etc. could be forwarded to me and I could then share with others as appropriate. Timelines of construction and other key events would be helpful so we can stay informed.

Mike

Michael R. Hoagland
Tuscola County Controller/Administrator
989-672-3700
mhoagland@tuscolacounty.org

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mhoagland@tuscolacounty.org

From: mhoagland@tuscolacounty.org
Sent: Friday, July 21, 2017 9:23 AM
To: 'Bardwell Thom'; 'Bierlein Matthew'; 'Kim Vaughan'; 'Kirkpatrick Craig'; 'Tom Young'
Cc: Clayette Zechmeister (Clayette Zechmeister)
Subject: Network Security Specialist position

At the July 13, 2017 Board of Commissioners meeting the following action was taken:

- Motion by Bierlein, seconded by Young to allow for the purchase of software and hardware improvements from the Minimal Suggested Network Security Enhancements document up to One Hundred Ten Thousand Dollars (\$110,000.00) and authorize initiation of the interview process for a Security Specialist with hiring contingent upon Board approval and funding source to be determined. Software and Hardware improvements are to be purchased from the equipment fund and all budget amendments are authorized. Motion Carried.

Interviews for the Network Security Specialist position were conducted by the Information Technology Director and Human Resource Coordinator on Wednesday, July 19, 2017.

- Possible Consent Agenda Action - move that the county hiring freeze be temporary lifted and authorization is given to add a Network Security Specialist position to the Information Technology Department and the Information Technology Director be authorized to fill said position contingent upon board concurrence of the individual at the July 27, 2017 Board of Commissioners meeting. Also, the 2017 Computer Operations budget be amended by \$24,654 to fund this new position for the period of August 14, 2017 to December 31, 2017 by increasing the budgeted use of fund balance reserves. Also, approximately \$64,000 be incorporated in the 2018 budget for wage and fringe benefit costs for this new position.

This above consent agenda action would give the authority to hire and establish a budget amendment to fund the position and would be made official at the July 28, 2017 Board meeting. Then on the Board agenda under new business would be an item for action to concur with the hiring of the individual contingent upon satisfactory physical and background check.

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