

**Agenda**  
**Tuscola County Board of Commissioners**  
**Committee of the Whole – Monday, July 9, 2018 – 8:00 A.M.**  
**HH Purdy Building - 125 W. Lincoln, Caro, MI**

**Finance/Technology**  
Committee Leaders-Commissioners Kirkpatrick and Bierlein

**Primary Finance/Technology**

1. **Prosecutor Budget Amendment request (A)**
2. **Chief Accountant Budget Amendments request (B)**
3. **Animal Control Trucks – USDA Grant Update**
4. **MIDC Updates on new Standards (C)**

**On-Going and Other Finance**

1. Review of Alternative Solutions Concerning the Caro Dam
2. Update Regarding Potential Dental Clinic
3. Continue Review of Road Commission Legacy Costs
4. Work to Resolve Remaining Assessing/Taxation Disputes with Wind Turbine Companies
5. Water Rates Paid for County Facilities Along M24 and Deckerville Roads
6. Medical Examiner System
7. Opioid Lawsuit
8. Update Regarding Airport Zoning Board of Appeals
9. MSU-e Building Costs
10. Update Regarding Personal Property Tax Changes
11. Brownfield Board
12. Raise the Age for Juveniles Funding Proposal
13. State Proposed Assessing Changes
14. Multi-Year Financial Plan Development
15. Delinquent Tax Legal Chargeback Requirement for Former Vassar Foundry

**Personnel**  
Committee Leader-Commissioner Bardwell

**Primary Personnel**

1. **Animal Control Officer position Decline – (D)**
2. **Animal Control Officer position – (E)**
3. **MERS annual conference**

**On-Going and Other Finance**

1. Reporting Relationship (Nepotism Policy)
2. Process to Replace County Health Department Medical Director

**Building and Grounds**  
Committee Leaders-Commissioners Young and Vaughan

**Primary Building and Grounds**

1. Request to use Courthouse Lawn 10-13-18 (F)
2. Regional Center possible land acquisition
3. Vanderbilt dump station

**On-Going and Other Building and Grounds**

1. County Property Ownership Identification
2. Review Potential Acquisition of Land from State Near Caro Regional Center
3. Update 10 Year Capital Improvement Plan
4. 2018 Budgeted Driveway, Parking Lot and Sidewalk Repairs
5. Update Regarding County Record Storage Needs

**Other Items Not Assigned to a Committee**

1. Gogebic County Resolution in opposition to HB 6049 and SB 1025 (G)
2. 2018 MAC Priorities
3. Cass River Greenways
4. On-Going Economic Development Activity Updates from EDC Director
5. Dairy Farmers of America Phase 2 – Cass City
6. Sunday Retail Sales of Spirits, Beer and Wine – August 2018 Vote

**Other Business as Necessary**

**Public Comment Period**

A

**OFFICE OF PROSECUTING ATTORNEY  
COUNTY OF TUSCOLA  
STATE OF MICHIGAN**

**MARK E. REENE**  
Prosecuting Attorney

207 E. Grant St.  
Caro, Michigan 48723  
(989) 672-3900  
Fax: (989) 673-8612

**KATHLEEN MILLER**  
Assistant Prosecuting Attorney

**ERIC F. WANINK**  
Chief Assistant Prosecutor

**ERIC HINOJOSA**  
Assistant Prosecuting Attorney

**ERICA WALLE**  
Assistant Prosecuting Attorney

MEMORANDUM

DATE: June 27, 2018

TO: Tuscola County Board of Commissioners

FROM: *MR* Mark E. Reene, Prosecuting Attorney

RE: Extradition of Abraham Gonzalez from Texas

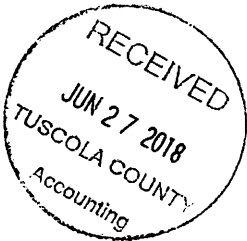
This Memorandum is being forwarded to request authorization for payment of costs associated with the extradition of the above referenced defendant from the State of Texas. He was charged with Operate While Intoxicated 3<sup>rd</sup> Offense, Possession of Marijuana Subsequent Offense, and multiple counts of Resist & Obstruct Police Officers. Mr. Gonzalez is presently awaiting sentencing in Circuit Court. Additional funds are required for the Extradition Line Item 101-229-862-000. This line item typically just has an initial amount placed into it annually as it is unknown what expenses may be incurred throughout the year.

The cost of extradition will be sought as restitution upon conviction.

As you are aware the Office of the Prosecuting Attorney only extradites after careful deliberation.

Thank you for your attention to this request.

*Michael R Hoagland*



**BUDGET AMENDMENTS FOR JULY 9th, 2018**

**General Fund Revenues**

- 656-136 Bond Forfeitures – Dist Crt increase \$10,000 offset contingency
  - Trending to exceed adopted budget
- 698-292 Indirect Cost Child Care fund increase \$60,000 offset contingency
  - Not budgeted new revenue

**General Fund Expenditures**

- 229-801-010 Prosecutor Steno Transcripts increase \$1,500~use contingency  
Exceeding budget, budgeted low compared to last year.
- 229-862-000 Prosecutor request for extraditions increase \$5,000~use contingency
- 253-704-000 Treasurer Salaries Permanent ~Move to OT budget due to shift in positions this year (1,500)
- 253-706-000 Treasure OT \$1,500
- 259-706-000 Computer Operations OT \$1,200 Establish budget on call pay ~ use contingency
- 303-704-000 Courthouse Security Salaries Permanent reduce (\$25,000) using Part time ee's to work security
- 303-705-000 Courthouse Security Salaries Part time increase \$25,000
- 304-704-020 Sheriff Jail Health Insurance Incentive \$2,700 establish budget and reduce 304-711-000 Health Insurance (\$2,700)
- 426-718-000 Emergency services retirement increase \$2,263 under budgeted at appropriation time
- 426-718-100 Emergency service decrease (\$215) over budgeted at appropriation time

**Special Revenue Funds**

• **Road Patrol - 207**

*Revenue:*

303-502 Budget for additional MMRMA Grant received of \$1,300

303-583 Rural Dev Grants \$2,304

*Expense:*

MMRMA Grant \$4,000

Rural Dev Grant \$3,150

• **County Park – 208**

000-674 Increase donations \$1,250

*Expense:*

970-100 Increase Park Renovations balance from 2017 \$2,380



## **MIDC updates**

- **CHANGES IN THE STANDARDS**

### **MIDC Standards**

1. Training and Education
2. Initial Interview
3. Experts and Investigators
4. Counsel at first appearance and other critical stages of the case

### **Proposed NEW Standards**

5. Independence from the Judiciary
6. Indigent Defense Workloads
7. Qualification and Review
8. Economic Incentives and Disincentives

**Meeting on July 19<sup>th</sup>** with Barbara Klimaszewski, MIDC Mid-Michigan Regional Manager; Mike H., Sheila Long, and Clayette

The meeting will be to discuss the next steps in order to make the transition from our present system to the MIDC plan we submitted.

The governor has signed the FY 2019 budget, which appropriates \$84.1 million for the statewide implementation of MIDC grants.

The funds needed to make the transition will become available around October 1, and we will have 180 days to comply with our plan.

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Posted July 2, 2018

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### Working to improve the indigent defense system

By Cynthia Price

Legal News

As the Michigan Indigent Defense Commission (MIDC) promulgates its second set of standards, the legislature has stepped up to fund both the commission itself and the expenses incurred by the courts to create and run standards-compliant indigent defense programs.

In the 2019 budget recently signed into law by Gov. Rick Snyder, there is just over \$84 million to cover the state's share of the costs incurred by the local funding units, and \$2.4 million for the MIDC operating budget.

The funding units were required to submit plans to the MIDC telling how they were going to come into compliance with the first four standards approved by the Michigan Supreme Court (MSC). (The MIDC originally fell under the auspices of the MSC but is now housed in the executive branch Department of Licensing and Regulatory Affairs, based on concerns expressed by the MSC.)

Once approved, the MIDC reviewed the proposed costs, looking them over with utmost care.

"I can tell you as a commissioner watching the process, they really take the tax dollars seriously," comments MIDC member Dr. David Schuringa, of North Star Ministry Consultants in the Grand Rapids area. After as many as three back-and-forth attempts, the expenses of all 135 funding units were approved.

Parallel with the appropriations process, both legislative houses have passed a bill that makes changes to the MIDC authoring act.

HB 5985 has been awaiting the governor's signature since June 20, but there is no reason to think that he will not sign it.

The final version of HB 5985 makes it clear that the MIDC is an autonomous entity, operating within LARA. This means that the broadly-ranging membership, in strict

categories that are codified in the law, have a great deal of responsibility to helping the indigent.

"It's hard for me to imagine more significant legislation for actually helping the poor," says Schuringa, who was also involved with the nonprofit Michigan Campaign for Justice, which advocated for the rights of people in poverty. "We are absolutely delighted that there was bipartisan support for improving the public defense system, and I'm excited to think that we could move from 47th in the country to being a nationwide model."

The revisions set forth in HB 5985 increase the MIDC's authority, particularly in the sense that it now includes some financial teeth in the enforcement of a local system failing or refusing to comply.

The MIDC would also have responsibility for training standards and may limit funding only to approved training programs. It may act as a clearinghouse for experts and investigators, if requested, and may recover funds not expended for the local plan or reimburse funds in excess of the plan (the following year) if the expenditures are reasonable and for direct indigent criminal defense system costs.

The bill also charges the MIDC with creating standards for courts declaring a defendant as indigent or partially indigent.

It also clarifies that payments from those determined to be partially indigent do not change the funding unit's local share of the system, and that the collected funds must be used for the indigent defense system, with 20 percent going back to LARA.

There have already been a number of changes at the MIDC in 2018.

Jonathan Sacks, who had served as executive director since its creation in 2013, stepped down to become director of the State Appellate Defender Office.

Loren Khogali was hired to take his place in February.

Khogali was formerly an attorney with the Federal Public Defender Office in Detroit. There, she represented indigent clients at the trial, appellate and post-conviction stages, and helped develop the court's re-entry and alternative-to-prison programs.

Khogali was also the chair of the American Civil Liberties Union of Michigan, serving on its board of directors since 2005.

The current MIDC chair, Michael Puerner, took over earlier this year from former Barry County Judge James Fisher, who is currently Of Counsel in Dickinson Wright's Grand Rapids office.

Fisher chaired the task force which recommended creation of the MIDC, and took a leadership role across the board in its development.

Working closely with Khogali and other staff members, Puerner and the commission (on which Fisher still serves) have been busy.

They have proposed four new standards, currently under consideration for

recommendation for LARA approval.

There was a public hearing held June 12, which was also the end of the public comment period.

Though there were not many commenting at that hearing, speakers included former E.D. Sacks, and both the Prosecuting Attorneys Association of Michigan Executive Director Larry Burdick and the Muskegon County Public Defender Fred Johnson were available for questions about their written comments.

The draft standards are complex and should be read in their entirety on the commission website ([michiganidc.gov](http://michiganidc.gov)), but they include:

- **Standard #5**, Independence from the Judiciary, states: "... it is the constitutional obligation of the State to respect the professional independence of the public defenders whom it engages ... The indigent criminal defense system ... should be designed to guarantee the integrity of the relationship between lawyer and client. The system and the lawyers serving under it should be free from political and undue budgetary influence."

- **Standard #6**, Indigent Defense Workloads, does not state a specific caseload because a "Michigan specific weighted caseload study" is underway. Until the results are published, the recommendation is to follow the American Council of Chief Defenders' recommendation – 150 felonies or 400 non-traffic misdemeanors per attorney per year.

- **Standard #7**, Qualification and Review, sets out some minimum standards and has a years-in-practice component as the severity of the crime increases. As far as review, it adds, "The quality of the representation provided by indigent defense providers must be monitored and regularly assessed."

- **Standard #8**, Economic Incentives and Disincentives, does not for the most part set pay scales, but adds, "Attorney hourly rates shall be at least \$100 per hour for misdemeanors, \$110 per hour for non-life offense felonies, and \$120 per hour for life offense felonies." It also mandates other conditions such as prompt payment.

Approximately 30 comments are recorded on the commission website ([michiganidc.gov](http://michiganidc.gov)).

The commission, working initially in separate committees that consider one specific standard, will weigh comments and potentially suggest revisions.

## Comments

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No comments

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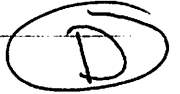
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Tuscola County

Clayette Zechmeister <zclay@tuscolacounty.org>



**Fwd: Declining ACO**

Clayette Zechmeister <zclay@tuscolacounty.org>  
Draft To: Shelly Lutz <lutzs@tuscolacounty.org>

Fri, Jul 6, 2018 at 8:36 AM

From: **Amanda Berlin**  
Date: Tue, Jul 3, 2018 at 11:22 AM  
Subject: Declining ACO  
To: Shelly Lutz <

Good morning Shelly,  
I am sending this email to inform you that I have took back my resignation with Dispatch and I will not be accepting the Animal Control Officer position. I do apologize for the inconvenience and I appreciate your time and patience.

Thank you and have a wonderful 4th of July!

-Amanda Berlin

--

***Shelly A. Lutz***

**Tuscola County**

Human Resource Coordinator

125 W. Lincoln St.

Caro, MI 48723

(989) 672-3705

Fax (989)672-4011

[lutzs@tuscolacounty.org](mailto:lutzs@tuscolacounty.org)

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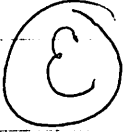


Tuscola County

Clayette Zechmeister <zclay@tuscolacounty.org>

**ACO Candidate**

1 message



Shelly Lutz <lutzs@tuscolacounty.org>

Fri, Jul 6, 2018 at 9:19 AM

To: Clayette Zechmeister <zclay@tuscolacounty.org>

Clayette,

After the official decline of the ACO position by Amanda Berlin, I contacted Tom Bardwell regarding our potential candidate Tyler Ray. Based on my recommendation, Tom approved the the pre-hire process. Tyler has passed his background check and physical. He has secured housing in the area. His last day worked at his current job in Dundee is 07/12/18 and pending Board approval on Thursday, he will be moving here on Friday, July 13 and ready to start work as a fully certified animal control officer on Monday, July 16.

--

***Shelly A. Lutz***

**Tuscola County**

Human Resource Coordinator

125 W. Lincoln St.

Caro, MI 48723

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lutzs@tuscolacounty.org

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Tuscola County

Clayette Zechmeister &lt;zclay@tuscolacounty.org&gt;

**request to hold Rosary Rally on court house steps**

1 message



dwk@centurytel.net <dwk@centurytel.net>  
To: zclay@tuscolacounty.org

Tue, Jul 3, 2018 at 11:06 AM

Clayette, I would like to have an item placed on the county commission agenda that being the approval to use the Tuscola County Court house steps to hold a Rosary Rally on October 13th 2018 from about 11 am until approximately 1 pm. We have requested and have been approved for this event the past couple years. Thank you in advance for you assistance.

Sincerely  
Dave Kolacz  
Chairman

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**GOGEBIC COUNTY BOARD OF COMMISSIONERS  
RESOLUTION 2018-06  
IN OPPOSITION TO HB 6049 and SB 1025**

**WHEREAS**, House Bill (HB) 6049 and Senate Bill (SB) 1025 seeks to completely restructure the tax assessing qualifications, process and boundaries of local assessing units in Gogebic County; and

**WHEREAS**, HB 6049/SB 1025 will impose a huge financial burden on Gogebic County as well as Michigan's other counties and local units because its mandates will require increased staffing levels with benefits and office space while providing a woefully inadequate 1% administrative fee and undefined "start-up funding" to compensate the counties and other local units for the drastic expenses that will surely accompany the new mandates; and

**WHEREAS**, HB 6049/SB 1025 will put Gogebic County at odds with its local townships by requiring us to take the 1% administration fee from the local units to pay for our increased costs; this 1% administration fee is earmarked for tax collection and assessment administration; and

**WHEREAS**, HB 6049/SB 1025 changes the method in which local boards of review (BOR) are conducted. By putting specialized BORs at the county level, HB 6049/SB 1025 has the potential to strip elected township supervisors and local assessing units of control over the tax assessing process, depriving them of the ability to account for unique conditions and values unknown to county-wide, regional and/or statewide assessing units but well known in the local units; and

**WHEREAS**, HB 6049/SB 1025 appears to have been designed without any input from existing assessors, MEAD or their associations, and the previous drafts were not made public to the counties and townships directly affected by its sweeping changes until nearly ready for introduction into the Michigan Legislature. In this context, it is difficult to view HB 6049/SB 1025 as anything other than an impetuous action generating from Lansing; and

**WHEREAS**, there are no guarantees that quality education will be available locally or even regionally to allow for the increased certification levels imposed by HB 6049/SB 1025; and

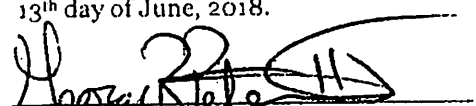
**WHEREAS**, HB 6049/SB 1025's proposed levels of certification for assessors may not achieve the results that are being sought. The real problem is deficient assessors, not their levels of certification. The solution lies in better policing of assessors by the State Tax Commission, not simply imposing increased educational requirements that may be impossible to achieve and that do nothing to weed out the bad actors; and

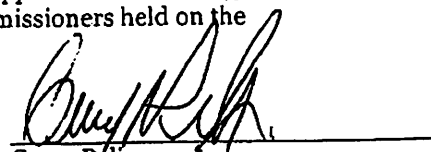
**WHEREAS**, Gogebic County views HB 6049/SB 1025 in its current form as an unconstitutional, unfunded mandate which does little or nothing to accomplish its stated goals and will inflict undue hardship to Gogebic County and their local units.

**NOW, THEREFORE, BE IT RESOLVED**, that the Gogebic County Board of Commissioners hereby opposes HB 6049/SB 1025 and asks that it be withdrawn from consideration until the funding issues and other problems identified above can be properly addressed.

**CERTIFICATION**

The undersigned hereby certify that the foregoing resolution in opposition to HB 6049 and SB 1025 was duly approved at a meeting of the Gogebic County Board of Commissioners held on the 13<sup>th</sup> day of June, 2018.

  
George Peterson III, Chairman  
Gogebic County Board of Commissioners

  
Gerry Pelissero  
Gogebic County Clerk

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## Opposed to change: Michigan Townships Association rejects plan to change assessment



Graham Jaehnig/Daily Mining Gazette Keweenaw County joined several other counties across Michigan, as well as the Michigan Townships Association, in opposing two bills in Lansing that would completely restructure property assessing and take control away from local units of government.

EAGLE RIVER — The Michigan Townships Association (MTA), like many counties, including Keweenaw, Baraga, Houghton, and Ontonagon, has gone on record **opposing two bills that would shift assessment responsibility from municipalities and townships to the counties, resulting in drastically increased costs most counties cannot afford.**

The two property tax reform bills — House Bill 6049 and Senate Bill 1025 — would update property assessing laws to specify minimum quality standards that every city, township or county assessing office must meet.

*“The change is intended to improve taxpayer and local government fairness by providing transparent and consistent assessments.”* states the Michigan

search keywords: he re...

state’s shrinking assessor and board of review talent pools.

Keweenaw County Equalization Director Elizabeth Anderson said if the two bills become law, equalization directors would be required to become Michigan Master Assessing Officers, which she said is not only unnecessary in Keweenaw County, it is something the county cannot afford.

According to the MTA, assessing entities would be required to have at least 5,000 parcels that together generate at least \$12 million in property taxes per year, unless the State Tax Commission grants a waiver.

The Keweenaw County resolution opposing the state’s bills, states the county does not have large commercial or industrial properties, the total State Equalized Value of those properties is \$11,110,926.

Some local units in Michigan would be able to meet these standards on their own, states the MTA, while others could form joint assessing entities. Those that do not act on their own, do not form a joint entity, or fail to meet the proposed required standards would have to contract assessment administration with their county.

*“Keweenaw County views HB 6049 and SB 1025 in its current form and unconstitutional, unfunded mandate,”* the county’s resolution states, *“which does little or nothing to accomplish its stated goals,”* states the resolution.