



TUSCOLA COUNTY

Board of Commissioners

BOARD MEETING AGENDA

Thursday, June 29, 2023 – 8:00 AM

H.H. Purdy Building Board Room, 125 W. Lincoln Street, Caro, MI 48723

Public may participate in the meeting electronically:

(US) +1 929-276-1248 PIN:112 203 398#

Join by Hangouts Meet: meet.google.com/mih-jntr-jya

8:00 AM Call to Order - Chairperson Vaughan
Prayer - Commissioner Young
Pledge of Allegiance - Commissioner Vaughan
Roll Call - Clerk Fetting

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Adoption of Agenda

Action on Previous Meeting Minutes

1. Action on Previous Meeting Minutes 6 - 16
[Board of Commissioners - 15 Jun 2023 - Minutes - Pdf](#)
[Public Hearing - 15 Jun 2023 - Minutes - Pdf](#)

Brief Public Comment Period for Agenda Items Only

Consent Agenda

- [Committee of the Whole - 26 Jun 2023 - Minutes - Pdf](#) 17 - 19
1. Friend of the Court (FOC) Title IV-D Cooperative Reimbursement Program (CRP) Contract for 2023-2028
2. Mid-Michigan Police K9 LLC Contract
3. Prosecuting Attorney Title IV-D Cooperative Reimbursement Program (CRP) Contract for 2023-2028
4. Johnson Controls Service Agreement

New Business

1. Retirement Resolution Gina Gohs - Prosecuting Attorney's Office
2. Sergeant Ryan Robinson & Deputy Blek Introductions
3. Tuscola County Indigent Defense Fiscal Year 2024 Plan Approved by Michigan Indigent Defense Commission (MIDC) 20 - 50
[Tuscola County Managed Assigned Counsel Compliance Plan Renewal for 2024](#)
4. First Amendment to the Commercial Lease Agreement at 429 State Street for Michigan Indigent Defense Commission Offices 51 - 52
[First Amendment to the Lease at 429 State St Caro](#)
5. Refill Vacant Road Patrol Deputy - Robert Baxter, Undersheriff 53
[Undersheriff Request for Road Deputy](#)
6. Refill Additional Vacant Road Patrol Deputy - Robert Baxter, Undersheriff
7. Corrections Officer Attending Academy to Refill Vacant Road Patrol Deputy Position - Robert Baxter, Undersheriff
8. District Health Department Number 2, 2022 Homeland Security Grant Program (HSGP) Subrecipient Funding Agreement - Steve Anderson, Emergency Manager 54 - 92
[FY 2022 HSGP Subrecipient Agreement](#)
[Exhibit A - Aug 2022 R3HSPB Mtg Minutes](#)
[Exhibit B - FY 22 Homeland Security Grant Agreement - Region 3](#)
[Exhibit C - FY 22 HSGP Articles of Agreement](#)
[Exhibit D - FY 22 HSGP Equipment Ownership Agreement](#)
9. Land Bank Request for Additional Funding - Ashley Bennett, Treasurer
10. Peoples State Bank (PSB) Building Construction Invoice - Mike Miller, Buildings and Grounds Director 93
[171 N STATE CARO QUOTE](#)
11. 9:00 a.m. - Closed Session Regarding Real Estate Matters for Vanderbilt Park

Old Business

Correspondence/Resolutions

1. [Legislative Update 6-16-23 - The Michigan Association of Counties](#) 94 - 98
2. [Legislative Update 6-23-23 - The Michigan Association of Counties](#) 99 - 107

3.	Delta County Resolution 23-04 Second Amendment Sanctuary County	108 - 110
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5.	Mackinac County Resolution Opposing Statewide Septic Code	113 - 114
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8.	2023-13 Revised School Code	119 - 120
9.	2023-14 Opposition to Legislation Preempting Local Control	121
10.	Sanitary Code Resolution No. 2023-100001	122 - 123

Commissioner Liaison Committee Reports

Lutz

Board of Health
Community Corrections Advisory Board
Department of Human Services/Medical Care Facility Liaison
Genesee Shiawassee Thumb Works
Jail Planning Committee
Local Emergency Planning Committee (LEPC)
MAC Judiciary Committee
MEMS All Hazard
Local Units of Government Activity Report
Human Development Commission Board of Directors Liaison

Koch

Behavioral Health Systems Board
Recycling Advisory
Jail Planning Committee
MI Renewable Energy Coalition (MREC)
Local Units of Government

Bardwell

Behavioral Health Systems Board

Caro DDA/TIFA
Economic Development Corp/Brownfield Redevelopment
MAC 7th District
MAC Workers Comp Board
MAC Finance Committee
TRIAD
Local Units of Government Activity Report

Young

Board of Public Works
County Road Commission Liaison
Dispatch Authority Board
Genesee Shiawassee Thumb Works
Great Start Collaborative
Human Services Collaborative Council (HSCC)
MAC Agricultural/Tourism Committee
Region VII Economic Development Planning
Saginaw Bay Coastal Initiative
Senior Services Advisory Council
Tuscola 2020
Local Units of Government Activity Report

Vaughan

Board of Health
County Planning Commission
Economic Development Corp/Brownfield Redevelopment
MAC Environmental Regulatory
Mid-Michigan Mosquito Control Advisory Committee
NACO-Energy, Environment & Land Use
Parks and Recreation Commission

Tuscola County Fair Board Liaison
Local Units of Government Activity Report

Other Business as Necessary

Extended Public Comment

Adjournment

Note: If you need accommodations to attend this meeting, please notify the Tuscola County Controller/Administrator's Office (989-672-3700) two (2) days in advance of the meeting.



MINUTES

Board of Commissioners

Meeting

8:00 AM - Thursday, June 15, 2023

H.H. Purdy Building Board Room, 125 W. Lincoln Street, Caro, MI 48723

Commissioner Vaughan called the regular meeting of the Board of Commissioners of the County of Tuscola, Michigan, held at the H.H. Purdy Building Board Room, 125 W. Lincoln Street, Caro, MI 48723, on Thursday, June 15, 2023, to order at 8:00 AM local time.

Prayer - Commissioner Bardwell

Pledge of Allegiance - Commissioner Young

Roll Call - Clerk Fetting

Commissioners Present In-Person: Thomas Young, Thomas Bardwell, Kim Vaughan, Bill Lutz, Matt Koch

Commissioners Absent: None

Others Present In-Person: Clerk Jodi Fetting, Eean Lee, Clayette Zechmeister, Mike Miller, Jon Ramirez, Cindy McKinney-Volz, Tom Raymond, Larry Zapfe, Register Marianne Brandt, Vicki Maguire, Mike Maguire, Alice Moore, Don Moore, Brian Pierce

Also Present Virtual: Tracy Violet, Barry Lapp, Matt Brown, Rachel Adam, Amanda Michael, Renee Francisco, Cody Horton, Dara Hood, Isaac White, Mary Drier, Mark Haney, Treasurer Ashley Bennett, Register Marianne Brandt, Pam Shook, Curtis Elenbaum, Dara Hood, Shannon Beach

At 8:05 a.m., there were a total of 16 participants attending the meeting virtually.

Adoption of Agenda

1. Adoption of Agenda -

2023-M-133

Motion by Thomas Young, seconded by Bill Lutz to adopt the agenda as amended
Motion Carried.

Action on Previous Meeting Minutes

1. Action on Previous Meeting Minutes -

2023-M-134

Motion by Thomas Young, seconded by Matt Koch to adopt the meeting minutes from the May 25, 2023 Regular meeting. Motion Carried.

Brief Public Comment Period for Agenda Items Only

None

Consent Agenda

2023-M-135

Motion by Bill Lutz, seconded by Thomas Young that the Consent Agenda Minutes as corrected and Consent Agenda Items from the June 12, 2023 Committee of the Whole meeting be adopted. Motion Carried.

CONSENT AGENDA

1. Michigan Association of Register of Deeds (MARD) Conference Request For Overnight Accommodations Consideration -
Move that per the request from Marianne Brandt, Register of Deeds, to allow overnight accommodations in Midland at the Michigan Association of Register of Deeds (MARD) Conference. The conference falls just under the 60-mile restriction in our policy and requires Board approval. Sufficient funds are available in the department budget for this training.
2. New Materials Management Planning Designated Planning Agency (DPA) - Individual to Serve as the Contact Person -
Move that Mike Miller, Director of Buildings and Grounds/Recycling Coordinator, be the Designated Planning Agency (DPA). He shall serve as the contact person for the purpose of materials management planning for Tuscola County.
3. Lead, Educate And Develop (LEAD) Tuscola -
Move that Tim Green - Information Technology Office, Angie House - Controller/Administrator's Office and Nick Tselepis - Managed Assigned Counsel Office be appointed to represent Tuscola County in the Lead, Educate And Develop (LEAD) Tuscola Program. Funds are available in the Special Programs 101-104-965-070 budget for tuition costs.
4. Michigan Township Association (MTA) County Membership Dues for 2023/2024 -
Move to approve the payment of the Michigan Township Association (MTA) Dues for July 1, 2023 to June 30, 2024 in the amount of \$2,500.00. Funds are available in the special programs line item 101-104-965-070.
5. Courthouse Cooling Tower Carryover Project Budget Amendment -
Move to approve the 2023 budget amendment of \$151,490.00 in line item 483-931-985-019 for the approved Courthouse Cooling Tower project through the use of fund balance in the Capitol Improvements Fund (483).

6. Fire Suppression at the Storage Building Budget Amendment -

Move to approve a \$9,500.00 budget amendment in the Capital Improvements Fund account 483-359-983-023 through the use of fund balance for fire suppression at the existing county storage facility.

7. Request to Use Courthouse Lawn -

Move to approve the use of the Courthouse lawn to hold a wedding ceremony on June 16, 2023 at 3:30 p.m. In case of rain, it is further requested to enter the courthouse for the ceremony that is expected to be about 10 minutes.

8. Request to Use Courthouse Lawn -

Move to approve the use of the Courthouse lawn from September 30, 2023 to October 9, 2023 for the 2023 Tuscola County Pumpkin Festival.

9. Vital Record Shelving for Storage Building -

Move to approve the purchase of rolling shelves in the amount of \$14,025.00 for the new storage facility. Also, authorize any necessary budget amendments in the Equipment/Technology Fund (244).

10. Automatic Clean Slate Overtime/Temporary Staffing Reimbursement -

Move that due to Tuscola County Courts receiving the award for the Automatic Clean Slate Overtime/Temporary Staffing Reimbursement from the State Court Administrative Office (SCAO), the following budget amendments be made:

Increase Revenue Budget 101-000-540-130	\$22,184.00	
Increase Expense Clerk Overtime Budget 101-215-706-000	\$7,168.00	
Increase Expense Court Overtime Budget 101-130-706-000	\$15,016.00	

11. Refill Vacant Position in the County Clerk's Office -

Move that per the recommendation of Jodi Fetting, County Clerk, that Karlee Roman be hired to refill the vacant position of Records Clerk II at Step 1 on the pay scale at the pay rate of \$17.98 per hour pending favorable background check, drug screen and physical. Tentative start date to be June 16, 2023.

12. Refill Vacant Seasonal Position at Mosquito Abatement -

Move that per the recommendation of Larry Zapfe, Mosquito Abatement Director, that Connor Langenburg be hired to refill the vacant position of Seasonal Field Technician at the pay rate of \$14.50 per hour pending favorable background check, drug screen and physical. Tentative start date to be June 19, 2023 or sooner.

New Business

1. Resolution 2023-13 Honoring Victoria Maguire -

2023-M-136

Motion by Bill Lutz, seconded by Thomas Young that County Resolution 2023-13 honoring Victoria Maguire, Deputy Clerk, for over 25 years of dedicated public service to the citizens of Tuscola County be approved and placed on file.

Yes: Thomas Young, Thomas Bardwell, Kim Vaughan, Bill Lutz, and Matt Koch

Motion Carried.

2. Refill Vacant Secretary II Position in the Prosecutor's Office - Clayette Zechmeister explained the request.

2023-M-137

Motion by Bill Lutz, seconded by Thomas Young that per the recommendation of Mark Reene, Prosecuting Attorney, that Emily Novack be hired to refill the upcoming vacant position of Secretary II that will be created by the retirement of Gina Gohs on July 14, 2023. Emily will start at Step 1 on the pay scale at the pay rate of \$17.33 per hour pending favorable background check, drug screen and physical. Tentative start date to be June 26, 2023. Also, authorize any necessary budget amendments in the Prosecutor's Employee Salary line items that may be necessary. Motion Carried.

3. Saginaw County Tested Positive for Jamestown Canyon Virus (JCV) - Larry Zapfe, Mosquito Abatement Director, provided an update regarding the Jamestown Canyon Virus as well as an overall update on the season.
4. Benefits Comparison for County Life Insurance & Disability Plan - Clayette Zechmeister explained the proposed plan change.

2023-M-138

Motion by Matt Koch, seconded by Bill Lutz that per the recommendation of Dan Skiver with Brown and Brown, the contract for the county life insurance and short- and long-term disability be awarded to Dearborn National Life Insurance Company effective September 1, 2023. The estimated cost of this contract per year is \$65,384.00. Also, all appropriate signatures be authorized. Motion Carried.

5. Automated Clearing House (ACH) and Electronic Transactions Policy Suggested Revisions - Clayette Zechmeister explained the section that was added in from the policy that was presented on June 12, 2023. (Section 2.2.5)

2023-M-139

Motion by Thomas Young, seconded by Bill Lutz that the Automated Clearing House (ACH) and Electronic Transactions Policy Revisions be approved with an effective date of July 1, 2023. Motion Carried.

6. Automated Clearing House (ACH) and Electronic Transactions Resolution -

2023-M-140

Motion by Matt Koch, seconded by Bill Lutz that Resolution 2023-14 Automated Clearing House (ACH) and Electronic Transactions be approved and placed on file.

Yes: Thomas Young, Thomas Bardwell, Kim Vaughan, Bill Lutz, and Matt Koch

Motion Carried.

7. Wind Litigation Update -

Clayette Zechmeister explained the financial impact of the settlement.

2023-M-141

Motion by Thomas Young, seconded by Matt Koch that due to the consent judgments entered with Consumers Energy on Cross Winds Parks 1, 2 and 3 with Akron and Columbia Townships that all funds held in escrow totaling \$3,413,328.00 be released back as available fund balance in their prospective funds. Motion Carried.

8. Vanderbilt Park Playground Equipment -

Mike Miller, Director of Building and Grounds, discussed the playground equipment prices that were presented to the Board by Pam Shook, which was at the request of Chairman Vaughan. Matter to be placed on the June 26, 2023 Committee of the Whole meeting.

9. Jail HVAC system (matter added) -

Mike Miller, Director of Building and Grounds, explained that the current system has failed. Two bids were obtained without an RFP due to the emergency provision allowed by the Board.

2023-M-142

Motion by Matt Koch, seconded by Bill Lutz to approve the proposal received from Newton Johnson in the amount of \$13,310.00 with the cost to come from the Jail Capital Fund 488 and authorize all necessary budget amendments. Motion Carried.

10. Lead, Educate And Develop (LEAD) Tuscola Potential Additional Candidate -

2023-M-143

Motion by Thomas Young, seconded by Thomas Bardwell that per the recommendation from Jon Ramirez, Dispatch Director, that Paige Rushlo, Dispatcher, be appointed to represent Tuscola County in the Lead, Educate And Develop (LEAD) Tuscola Program. Funds are available in the Special Programs 101-104-965-070 budget for tuition costs. Motion Carried.

11. Marine Boat Purchase and United States Department of Agriculture (USDA) Grant Update -
Board discussed the purchase of the Marine Boat and if it should be purchased now with no grant funds.

2023-M-144

Motion by Matt Koch, seconded by Bill Lutz that due to the urgency of replacing the boat and the delay in grant funding, that we proceed with the purchase of a marine patrol boat through the use of the Provision of Government Services (PGS) fund balance of up to \$150,000.00. Funds are to be transferred from the General Fund balance to the Equipment/Technology Fund (244) for the purchase. Also, all appropriate budget amendments are authorized. Motion Carried.

12. Village of Reese Annexation Public Hearing -

Recessed for Public Hearing at 9:02 a.m.
Reconvened from Public Hearing at 9:07 a.m.

13. Resolution 2023-15 - Order and Determination by the Tuscola County Board of Commissioners to Annex Certain Lands to the Village of Reese, Michigan -

2023-M-145

Motion by Thomas Bardwell, seconded by Thomas Young that Resolution 2023-15 - Order and Determination by the Tuscola County Board of Commissioners to Annex Certain Lands to the Village of Reese, Michigan be approved and placed on file for property commonly known as 9986 Dixon Road, Reese, Michigan 48757.

Yes: Thomas Young, Thomas Bardwell, Kim Vaughan, Bill Lutz, and Matt Koch

Motion Carried.

14. Resolution 2023-16 - Order and Determination by the Tuscola County Board of Commissioners to Annex Certain Lands to the Village of Reese, Michigan -

2023-M-146

Motion by Bill Lutz, seconded by Thomas Young that Resolution 2023-16 - Order and Determination by the Tuscola County Board of Commissioners to Annex Certain Lands to the Village of Reese, Michigan be approved and placed on file for property commonly known as 9774 Dixon Road, Reese, Michigan 48757.

Yes: Thomas Young, Thomas Bardwell, Kim Vaughan, Bill Lutz, and Matt Koch

Motion Carried.

15. Copier Purchase for County Drain Commissioner -

2023-M-147

Motion by Thomas Young, seconded by Matt Koch that per the request from Robert Mantey, Drain Commissioner, that a Ricoh MP2555 digital copier/fax be purchased from Galaxy Office Machines in the amount of \$2,495.00. Also, any necessary budget amendments be made in the Equipment/Technology fund (244) for this purchase. Motion Carried.

Old Business

1. Out-of-State Travel Request for Court Bailiff (matter added) - Matter was to be on the Consent Agenda but was missed. The Board added to Old Business.

2023-M-148

Motion by Thomas Young, seconded by Bill Lutz that Ron Champagne is authorized to attend training out-of-state for the conference of National Sheriff's Association Court Security Training for the dates of June 21-22, 2023. Motion Carried.

Correspondence/Resolutions

1. Legislative Update 6-2-23 - The Michigan Association of Counties
2. Legislative Update 6-9-23 - The Michigan Association of Counties
3. Veteran Services Department - 2023-05-080
4. Eaton County Resolution to Support Second Amendment
5. Ingham Resolution 23-229
6. Ottawa County Resolution Honoring Heroes of Freedom
7. Ottawa County Constitutional County Resolution

Commissioner Liaison Committee Reports

Vaughan

Board of Health
Meets tomorrow.

County Planning Commission

Economic Development Corp/Brownfield Redevelopment

MAC Environmental Regulatory

Mid-Michigan Mosquito Control Advisory Committee

NACO-Energy, Environment & Land Use

Parks and Recreation Commission

Tuscola County Fair Board Liaison

Local Units of Government Activity Report

Lutz

Board of Health

Community Corrections Advisory Board

Department of Human Services/Medical Care Facility Liaison
Update provided regarding a grant program ending.

Genesee Shiawassee Thumb Works

Jail Planning Committee

Local Emergency Planning Committee (LEPC)

MAC Judiciary Committee

MEMS All Hazard

Local Units of Government Activity Report

Human Development Commission Board of Directors Liaison

Koch

Behavioral Health Systems Board

Recycling Advisory

Upcoming changes discussed at Committee of the Whole meeting June 12, 2023.

Jail Planning Committee

MI Renewable Energy Coalition (MREC)

Local Units of Government

Bardwell

Behavioral Health Systems Board
Meets tomorrow.

Caro DDA/TIFA

Economic Development Corp/Brownfield Redevelopment

MAC 7th District

MAC Workers Comp Board
Update provided regarding claims.

MAC Finance Committee

TRIAD

Local Units of Government Activity Report

Young

Board of Public Works

County Road Commission Liaison

Update provided regarding the installation of fiber.
HB 3557 discussed.

Dispatch Authority Board

Genesee Shiawassee Thumb Works
Met last week.

Great Start Collaborative

Human Services Collaborative Council (HSCC)

MAC Agricultural/Tourism Committee

Region VII Economic Development Planning

Saginaw Bay Coastal Initiative

Senior Services Advisory Council

Tuscola 2020

Local Units of Government Activity Report

Other Business as Necessary

-Presentation will be placed on a future agenda regarding the Cost Allocation Plan.

At 9:35 a.m., there were a total of 20 participants attending the meeting virtually.

Extended Public Comment-

-Brian Pierce presented regarding Coalition for a Healthy Michigan.

-Pam Shook addressed the Board regarding the playground equipment at Vanderbilt Park and the Parks and Recreation Commission.

Adjournment

2023-M-149

Motion by Bill Lutz, seconded by Thomas Young to adjourn the meeting at 9:38 a.m.
Motion Carried.

Jodi Fetting
Tuscola County Clerk, CCO



MINUTES

Public Hearing Meeting

9:00 AM - Thursday, June 15, 2023

H.H. Purdy Building Board Room, 125 W. Lincoln St., Caro, MI 48723

Call to Order

Commissioner Vaughan called the Public Hearing for the Village of Reese Annexations, held at H.H. Purdy Building, 125 W. Lincoln Street, Caro, Michigan 48723, on June 15, 2023, to order at 9:02 o'clock a.m. local time.

Commissioners Present In-Person: Thomas Young, Thomas Bardwell, Kim Vaughan, Bill Lutz, Matt Koch

Commissioners Absent: None

Others Present In-Person: Clerk Jodi Fetting, Clayette Zechmeister, Eean Lee, Mike Miller, Jon Ramirez, Tom Raymond, Cindy McKinney-Volz

Also Present Virtual: Tracy Violet, Amanda Michael, Barry Lapp, Cody Horton, Curtis Elenbaum, Dara Hood, Isaac White, Mark Haney, Register Marianne Brandt, Mary Drier, Matt Brown, Pam Shook, Renee Francisco

Village of Reese Annexation

1. Annexation of Property# 006-006-000-1700-00, commonly known as 9986 Dixon Road, Reese, Michigan 48757 -
2. Annexation of Property# 006-006-000-2100-00, commonly known as 9774 Dixon Road, Reese, Michigan 48757 -

Tom Raymond, Reese Village Manager, addressed the Board regarding the two annexations presented. There was a need to have sewer and water at the properties.

Jodi Fetting, County Clerk, stated there are proposed resolutions if the Board approves the annexation.

2023-15 is referencing property commonly known as 9986 Dixon Road, Reese, Michigan 48757

2023-16 is referencing property commonly known as 9774 Dixon Road, Reese, Michigan 48757

Public Comment

None

Adjournment

Public Hearing adjourned at 9:07 a.m.

Jodi Fetting
Tuscola County Clerk, CCO

DRAFT



MINUTES

Committee of the Whole Meeting

8:00 AM - Monday, June 26, 2023

H.H. Purdy Building Board Room, 125 W. Lincoln St., Caro, MI 48723

Commissioner Vaughan called the regular meeting of the Committee of the Whole of the County of Tuscola, Michigan, held at the H.H. Purdy Building Board Room, 125 W. Lincoln St., Caro, MI 48723, on Monday, June 26, 2023, to order at 8:00 AM local time.

Roll Call - Clerk Fetting

Commissioners Present In-Person: Thomas Young, Thomas Bardwell, Kim Vaughan, Bill Lutz

Commissioners Absent: Matt Koch

Others Present In-Person: Clerk Jodi Fetting, Eean Lee, Clayette Zechmeister, Mike Miller, Steve Anderson, Jon Ramirez, Henry Wymore, Carolyn Wymore, Judge Amy Grace Gierhart, Cindy McKinney-Volz, Cindy Hughes, Treasurer Ashley Bennett, Prosecutor Mark Reese, Gina Gohs, Stephanie Farrell, Bob Baxter

Also Present Virtual: Tracy Violet, Cody Horton, Debbie Babich, Don Derryberry, Joel Arnold, Cristi Smith, Tuscola GOP, Mitchell Holmes, Matt Brown, Martin Porzondek, Renee Francisco, Tim Green, Amanda Michael, Barry Lapp, Mary Drier, Brandon Bertram, Register Marianne Brandt, Mark Haney, Sheriff Glen Skrent, Rebecca Evans

At 8:26 a.m., there were a total of 18 participants attending the meeting virtually.

County Updates

None

New Business

1. MGT of America Consulting - Stephanie Farrell, Senior Consultant, presented to the Board information regarding the County's Cost Allocation Plans.
2. Friend of the Court (FOC) Title IV-D Cooperative Reimbursement Program (CRP) Contract for 2023-2028 - Cindy McKinney-Volz, Deputy Court Administrator and Cindy Hughes, Deputy Friend of the Court, presented the proposed contract for the upcoming 5-year period. Matter to be placed on the Consent Agenda.

3. Communities First, Inc. -
Joel Arnold, Community Planning & Advocacy Intern, Communities First, Inc., presented regarding a Statewide Housing Plan being worked on. The Board would like input from Brian Neuville regarding the program.
4. Mid-Michigan Police K9 LLC -
Robert Baxter, Undersheriff, explained the request to bring a K9 on for the Department. Matter to be placed on the Consent Agenda.
5. Land Bank Request for Additional Funding -
Ashley Bennett, Treasurer, explained the request from the Land Bank for additional funding in order to add projects that the Land Bank could assist with. The amounts of \$350,000.00 and \$500,000.00 were discussed. Matter to be placed on Thursday's agenda.
6. Prosecuting Attorney Title IV-D Cooperative Reimbursement Program (CRP) Contract for 2023-2028 -
Prosecutor Mark Reene presented the proposed contract for the upcoming 5-year period. Matter to be placed on the Consent Agenda.
7. Region VII Area on Agency on Aging update (matter added) -
Henry Wymore provided an update regarding the Region VII Area Agency on Aging.

Old Business

None

Finance/Technology

Primary Finance/Technology

-Clayette Zechmeister stated that the Controller's Office is in the final stages of audit reporting.

On-Going and Other Finance

None

On-Going and Other Technology

-Eean Lee, Chief Information Officer, spoke regarding HB3557. Also, Mitchell Holmes received his Google Certification.

Building and Grounds

Primary Building and Grounds

1. Johnson Controls Service Agreement -
Mike Miller, Director of Buildings and Grounds, explained the request to renew the proposed service agreement. Matter to be placed on the Consent Agenda.

2. Courthouse Stained Glass Window Update -
Mike Miller, Director of Buildings and Grounds, project is progressing and the projected reinstallation date is end of July 2023.
3. Update on Recycling -
Mike Miller, Director of Buildings and Grounds, reported that the plan update is going to be required by the end of September 2023. Tuscola, Huron and Sanilac counties are discussing if a multi-government plan will be created or if it would be based on an individual county plan.

On-Going and Other Building and Grounds

None

Personnel

Primary Personnel

None

On-Going and Other Personnel

None

Other Business as Necessary

-Commissioner Bardwell asked if there was an update regarding the implementation of Broadband in the County. Matter discussed.

At 9:58 a.m., there were a total of 17 participants attending the meeting virtually.

Public Comment Period

None

Adjournment

Motion by Bill Lutz, seconded by Thomas Young to adjourn the meeting at 10:02 a.m.
Motion Carried.

Jodi Fetting
Tuscola County Clerk, CCO

1. Applicant Information

- a. Applicant Name Tuscola County
- b. Organizational Unit Tuscola County
- c. Address 429 N. State Street
- d. Address 2 Suite 200
- e. City Caro State MI Zip 48723
- f. Federal ID Number 98-9672379 Reference No. Unique Entity Id.
- g. Agency's fiscal year (beginning month and day) October-01
- h. Agency Type
 - City
 - Township
 - County
 - Village

2. Project Information

- a. Project Name Compliance Plan and Cost Analysis Renewal - FY 2024
- b. Is implementing agency same as Applicant Yes No
- c. Implementing Agency Name
- d. Project Start Date Oct-01-2023 End Date Sep-30-2024
- e. Amount of Funds Requested \$1,286,280.15 Project Cost \$1,542,224.85
- f. Agency Local Share: 255,944.70

3. Contacts

a. Project Director / Primary Contact

Name Geoffrey J. M. Stuart
Title Assigned Counsel Administrator
Mailing Address 429 North State Street
City Caro State MI Zip 48723
Telephone (989) 672-3799 Fax
E-mail Address gstuart@tuscolacounty.org

b. Authorized Official

Name Kim Vaughan
Title Chair, Board of County Commissioners
Mailing Address 125 W. Lincoln St.
City Caro State MI Zip 48723
Telephone (989) 325-2678 Fax
E-mail Address kvaughan@tuscolacounty.org

c. Financial Officer

Name Clayette Zechmeister
Title Financial Controller
Mailing Address 125 W Lincoln St
City CARO State MI Zip 48723
Telephone (989) 672-3710 Fax
E-mail Address zclay@tuscolacounty.org

Submitter Information

Funding Unit/System Name: Tuscola County

- I hereby certify that I am authorized to submit the application and the information and representations contained in the application is true and correct.

Submitted By (include name, title, email address and phone number):

Name: Geoffrey Stuart

Title: Assigned Counsel Administrator

Email Address: gstuart@tuscolacounty.org

Phone Number: (989) 672-3799

Date: 04/05/2023

Signature: Geoffrey Stuart

Delivery System Model

1. What type of indigent defense delivery system do you have currently? (indicate all that apply):
- Public Defender Office (county employees)
 - Public Defender Office (non-profit/vendor model)
 - Managed Assigned Counsel System (Name of MAC Attorney Manager and P#:) [Geoffrey J.M. Stuart (P41443)]
 - Contract Defender System
 - Regionalized system or coordination with other trial court funding units

If you are unsure about your type of indigent defense delivery system, more information can be found in MIDC's report entitled Delivery System Reform Models (2016), posted here: <https://michiganidc.gov/resources>. Questions can also be directed to your MIDC Regional Manager.

2. Are you proposing to change your type of indigent defense delivery system for next year? Please respond Yes or No. Yes No
3. If you are changing your indigent defense delivery system, what model do you plan to use next year?

Standard 1 (Page 1)

They are required to complete a basic CLE course like CDAM's "A is for Attorney." They are given lower-level midemeanors, and as they develop more experience they are given progressively more complex cases. They may be required to act as second chair or have a more experienced attorney second chair cases with them until they get experience.

Training of Attorneys

- 4. Number of attorneys who accept adult criminal defense assignments as of October 1 13
- 5. Number of attorneys with less than 2 years of Michigan criminal defense experience as of October 1 0

In EGrAMS, please include a list of names and P#s of all the attorneys who accept adult criminal defense case assignments in your system, including conflict counsel and counsel for youths charged as adults.

- 6. What is your plan for training attorneys with less than 2 years of Michigan criminal defense experience?

They are required to complete a basic CLE course like CDAM's "A is for Attorney." They are given lower-level midemeanors, and as they develop more experience they are given progressively more complex cases. They may be required to act as second chair or have a more experienced attorney second chair cases with them until they get experience.

Standard 1 (Page 2)

Attorneys are required to complete a minimum of 12 MIDC approved CLEs. They choose which courses they take and are given credit for those trainings as long as they are MIDC approved. They are required to submit their CLE certificates to the Tuscola MAC office. The MAC office save the certificates and enters the attorneys' CLE form into a file for each attorney. Attorneys are encouraged to use CE Broker to document training credit hours.

- 7. Please describe your system's training plan, including how compliance will be tracked for reporting requirements:

Attorneys are required to complete a minimum of 12 MIDC approved CLEs. They choose which courses they take and are given credit for those trainings as long as they are MIDC approved. They are required to submit their CLE certificates to the Tuscola MAC office. The MAC office save the certificates and enters the attorneys' CLE form into a file for each attorney. Attorneys are encouraged to use CE Broker to document training credit hours.

Will you require your attorneys to submit attendance directly through the MIDC's continuing legal education database provider, CE Broker? Yes No

If no, please describe how attendance will be tracked and reported to the MIDC:

Standard 1 (Page 3)

The attorney is removed from the list and does not receive any more assignments until they complete the 12 required CLEs. Then they have to re-apply to start receiving assignments again.

- 8. If an attorney does not complete the required training, how will the system address the noncompliance?

The attorney is removed from the list and does not receive any more assignments until they complete the 12 required CLEs. Then they have to re-apply to start receiving assignments again.

Standard 1 - Training and Education for Compliance Plan and Cost Analysis Renewal - FY 2024

Agency: Tuscola County

Application: Compliance Plan and Cost Analysis Renewal - FY 2024

9. Any changes in your funding needs from the prior year for Standard 1? Please respond Yes or No. Yes No

If yes, please describe in the cost analysis.

Standard 2 (Page 1)

The MAC office emails the packet to the assigned attorney as soon after the arraignment as possible - usually within a few hours.

Initial Client Interviews

10. The MIDC Standards now require the selection and assignments of attorneys to be done independently from the judiciary. How and when are defense attorneys notified of new assignments?

The MAC office emails the packet to the assigned attorney as soon after the arraignment as possible - usually within a few hours.

Standard 2 (Page 2)

Cross-referencing the appointment date with the initial contact date on the attorney invoices.

11. How are you verifying that in-custody attorney client interviews occur within three business days?

Cross-referencing the appointment date with the initial contact date on the attorney invoices.

Standard 2 (Page 3)

Cross-referencing the appointment date with the initial contact date on the attorney invoices.

12. How are you verifying attorneys' introductory communications with out-of-custody clients?

Cross-referencing the appointment date with the initial contact date on the attorney invoices.

Standard 2 (Page 4)

Attorneys are paid at the hourly rate for the related case for any work performed on the case - including initial interviews. If any attorney fills in as CAFA -- they are paid at \$120.00 per hour.

13. How are you compensating attorneys for conducting initial interviews? Please include whether you intend to compensate attorneys differently for in-custody and out-of-custody interviews.

Attorneys are paid at the hourly rate for the related case for any work performed on the case - including initial interviews. If any attorney fills in as CAFA -- they are paid at \$120.00 per hour.

14. Any changes in your funding needs from the prior year for Initial Interviews? Please Yes No
respond Yes or No.

If yes, please describe in the cost analysis.

Standard 2 (Page 5)

Currently the jail is limiting attorneys to two confidential meeting spaces.

The courthouse has two separate rooms for confidential meetings. The MIDC Office has additional meeting spaces at the Tuscola County Courthouse (2) which can also be used for confidential meetings. The MIDC Office located at 429 North State Street which is directly across from the Tuscola County Courthouse also has 2 confidential meeting spaces which can be used by attorneys and clients for confidential meetings.

Confidential Meeting Spaces

- 15. How many confidential meeting spaces are in the jail? 1
- 16. What is the TOTAL amount of confidential meeting spaces in the courthouse? 4
- 17. How many confidential meeting spaces in the courthouse are for in-custody clients? 2

Please describe these spaces.

Currently the jail is limiting attorneys to two confidential meeting spaces.

The courthouse has two separate rooms for confidential meetings. The MIDC Office has additional meeting spaces at the Tuscola County Courthouse (2) which can also be used for confidential meetings. The MIDC Office located at 429 North State Street which is directly across from the Tuscola County Courthouse also has 2 confidential meeting spaces which can be used by attorneys and clients for confidential meetings.

Standard 2 (Page 6)

There are two rooms with doors in the hallway near the District and Circuit court. There is a 2 room office area for the MIDC Tuscola County in the basement of the Tuscola County Courthouse.

- 18. How many confidential meeting spaces in the courthouse are for out-of-custody clients? 4

Please describe these spaces.

There are two rooms with doors in the hallway near the District and Circuit court. There is a 2 room office area for the MIDC Tuscola County in the basement of the Tuscola County Courthouse.

Standard 2 (Page 7)

MIDC has acquired additional space for confidential meetings in the basement of the Tuscola County Courthouse. The spaces are restricted in public access and have appropriate sound proofing to ensure that the confidential communications between attorney and client shall remain confidential.

- 19. Any changes from the prior year's compliance plan for your confidential meeting spaces? Please respond Yes or No. Yes No

If Yes, please describe the proposed changes.

MIDC has acquired additional space for confidential meetings in the basement of the Tuscola County Courthouse. The spaces are restricted in public access and have appropriate sound proofing to ensure that the confidential communications between attorney and client shall remain confidential.

- 20. Any changes from the prior year's funding needs for confidential meeting spaces? Please respond Yes or No. Yes No

If yes, please describe in the cost analysis.

Standard 3 (Page 1)

The attorney submits a request to the MACA, usually via email. The MACA reviews the request and follows-up with the attorney and expert. The MACA approves or denies with an explanation. The MACA Office shall assist roster attorneys with the identification of and contact information for the appropriate expert witness if appointed counsel requests assistance. Our office does leave the selection of the particular expert witness to the discretion of appointed counsel and their client working together on the relevant defense issues.

Experts and Investigators

- 21. The MIDC Standards now require approval of expert and investigative assistance to be independent from the judiciary. Describe the process of how attorneys request expert witness assistance for their indigent clients:

The attorney submits a request to the MACA, usually via email. The MACA reviews the request and follows-up with the attorney and expert. The MACA approves or denies with an explanation. The MACA Office shall assist roster attorneys with the identification of and contact information for the appropriate expert witness if appointed counsel requests assistance. Our office does leave the selection of the particular expert witness to the discretion of appointed counsel and their client working together on the relevant defense issues.

Standard 3 (Page 2)

- 22. Any change from the prior year's process to request expert witness assistance? Yes No
Please respond Yes or No.

If yes, please explain the change:

Standard 3 (Page 3)

The attorney submits a request to the MACA, usually via email. The MACA reviews the request and follows-up with the attorney and investigator. The MACA approves or denies with an explanation, or the MACA will request additional information from the appointed counsel in order to determine the relevance and materiality of the particular expert witness or the need in the defense of the client. The MACA Administrator will give due deference to the defense attorney and the client in determining the appropriate expert witness for the particular case.

- 23. Describe the process of how attorneys request investigative assistance:

The attorney submits a request to the MACA, usually via email. The MACA reviews the request and follows-up with the attorney and investigator. The MACA approves or denies with an explanation, or the MACA will request additional information from the appointed counsel in order to determine the relevance and materiality of the particular expert witness or the need in the defense of the client. The MACA Administrator will give due deference to the defense attorney and the client in determining the appropriate expert witness for the particular case.

Standard 3 (Page 4)

- 24. Any change from the prior year's process to request investigative assistance? Yes No
Please respond Yes or No.

If yes, please explain the change:

Standard 3 (Page 5)

Standard 3 - Investigation and Experts for Compliance Plan and Cost Analysis Renewal - FY 2024

Agency: Tuscola County

Application: Compliance Plan and Cost Analysis Renewal - FY 2024

A paper and an electronic copy are kept in the designated file. All invoices from expert witnesses are kept in a designated file.

25. How are attorney requests (whether approved or denied) for experts and investigators tracked by the system? Please include approved and denied requests.

A paper and an electronic copy are kept in the designated file. All invoices from expert witnesses are kept in a designated file.

26. Any change from the prior year's funding needs for Standard 3? Please respond Yes No
Yes or No.

If yes, please describe in the cost analysis.

Standard 4 (Page 1)

Currently the MACA or the staff attorney appear as CAFA for most arraignments. If the MACA or the staff attorney are not able to appear than a local attorney (from the attorney list) will cover for CAFA. With the addition of the staff attorney to this office, the problem issues with the last minute notice of bench warrants for probation violations and the subsequent scheduling conflicts have been solved. The additional resource of another staff attorney working with the Administrator shall also reduce the need for CAFA coverage by local roster attorneys.

Counsel at First Appearance and Other Critical Stages

- 27. The MIDC Standards now require the selection and assignments of attorneys to be done independently from the judiciary. How are you providing counsel at first appearance and all arraignments? Please provide detail for circuit and district court coverage.

Currently the MACA or the staff attorney appear as CAFA for most arraignments. If the MACA or the staff attorney are not able to appear than a local attorney (from the attorney list) will cover for CAFA. With the addition of the staff attorney to this office, the problem issues with the last minute notice of bench warrants for probation violations and the subsequent scheduling conflicts have been solved. The additional resource of another staff attorney working with the Administrator shall also reduce the need for CAFA coverage by local roster attorneys.

Standard 4 (Page 2)

Currently, the assigned attorney handles all critical stages of the case after being assigned. If a client that originally did not qualify for counsel or that wanted to be in pro per later requests and qualifies for assigned counsel, then an attorney is assigned and handles all subsequent stages.

We will still follow the above procedure, but the MACA and/or staff attorney may be handling some of the criminal felony and criminal misdemeanor cases. These would include cases scheduled for arraignment/pretrials, contested motion hearings, bench or jury trials. It may also include probation violations and other types of hearings.

- 28. How are you providing counsel at all other critical stages? Please provide details:

Currently, the assigned attorney handles all critical stages of the case after being assigned. If a client that originally did not qualify for counsel or that wanted to be in pro per later requests and qualifies for assigned counsel, then an attorney is assigned and handles all subsequent stages.

We will still follow the above procedure, but the MACA and/or staff attorney may be handling some of the criminal felony and criminal misdemeanor cases. These would include cases scheduled for arraignment/pretrials, contested motion hearings, bench or jury trials. It may also include probation violations and other types of hearings.

Standard 4 (Page 3)

Currently as of today, 4/5/23
\$100 per hour for CAFA and misdemeanors
\$110 per hour for felonies
\$120 per capital/life offenses
**Cases are billed in 15 minute increments

On and after October 1st of 2023:
\$120 per hour for CAFA (Arraignments) and misdemeanor offenses.

Standard 4 - Counsel at First Appearance for Compliance Plan and Cost Analysis Renewal - FY 2024

Agency: Tuscola County

Application: Compliance Plan and Cost Analysis Renewal - FY 2024

\$135 per hour for non capital felony offenses.

\$150 per hour for capital/life offenses.

**Cases are billed in 15 minute increments

Also CAFA will be \$120 per hour

- 29. How are you compensating attorneys for Standard 4? Please provide detail for compensating counsel at first appearance and compensating counsel at all other critical stages.

Currently as of today, 4/5/23

\$100 per hour for CAFA and misdemeanors

\$110 per hour for felonies

\$120 per capital/life offenses

**Cases are billed in 15 minute increments

On and after October 1st of 2023:

\$120 per hour for CAFA (Arraignments) and misdemeanor offenses.

\$135 per hour for non capital felony offenses.

\$150 per hour for capital/life offenses.

**Cases are billed in 15 minute increments

Also CAFA will be \$120 per hour

Standard 4 (Page 4)

- 30. Do you have a prison in your County? Yes No

If Yes, how is counsel provided to people charged with crimes while incarcerated in the prison?

Do you seek reimbursement for the cost of counsel from the Michigan Department of Corrections? Yes No

Standard 4 (Page 5)

All cases are scheduled for an arraignment. When the Notice to Appear is sent to the client, the court usually includes a letter from the MACA telling the person to contact the MACA. The MACA is also given case information and will try to contact the person.

If contact is not made before the arraignment and the person appears for the arraignment -- the person is given time to see CAFA before the hearing. There is a specific confidential office space which is used for a consultation between the MACA Attorney and the defendant. This space is located in the Tuscola County Courthouse in the basement area close to the area where an "over the counter" plea would takes place. If the Defendant decides he wants counsel and qualifies for appointment of counsel, the MACA shall request a formal arraignment to be set and counsel shall be appointed at arraignment by the MACA Attorney.

- 31. Are there or will there be any misdemeanor cases where your court accepts pleas without the defendant appearing before a magistrate or a judge? For example, pleas by mail, over the counter pleas, pleas online, etc. Please answer Yes or No. Yes No

- 32. Describe how counsel is offered to a defendant making a plea who does not appear before a magistrate or judge:

All cases are scheduled for an arraignment. When the Notice to Appear is sent to the client, the

court usually includes a letter from the MACA telling the person to contact the MACA. The MACA is also given case information and will try to contact the person.

If contact is not made before the arraignment and the person appears for the arraignment -- the person is given time to see CAFA before the hearing. There is a specific confidential office space which is used for a consultation between the MACA Attorney and the defendant. This space is located in the Tuscola County Courthouse in the basement area close to the area where an "over the counter" plea would take place. If the Defendant decides he wants counsel and qualifies for appointment of counsel, the MACA shall request a formal arraignment to be set and counsel shall be appointed at arraignment by the MACA Attorney.

Standard 4 (Page 6)

33. Any change from the prior year's attorney compensation for Standard 4? Please respond Yes or No. Yes No

If yes, please describe in the cost analysis.

34. Any change from the prior year's funding needs for Standard 4? Please respond Yes or No. Yes No

If yes, please describe in the cost analysis.

Standard 5 - Attorney Assignment for Compliance Plan and Cost Analysis Renewal - FY 2024

Agency: Tuscola County

Application: Compliance Plan and Cost Analysis Renewal - FY 2024

Standard 5 (Page 1)

Attorneys either initiate contact or are picked based on reputation and experience as well as the ability to be of service based on client need. Attorneys must first apply by filling out an application and Memo of Understanding (an agreement to keep up on training and zealously defend assigned clients.)

The application is reviewed by the MACA and approved or declined. If approved, the attorney is welcomed aboard and given a packet explaining how our system works.

The cases are sequentially assigned to the roster of attorneys subject to several factors including: experience, case complexity, conflicts, attorney time off, location in reference to the client at times, whether they have had an attorney for another case in the past, etc. Furthermore, the MACA Administrator, and the MACA Staff Attorney are available to accept a limited number of felony and misdemeanor cases in order to alliviate potential overflow of indigent cases for the County of Tuscola. This will function in addition to the roster attorney system which is utilized by the Tuscola County MACA Office.

The MIDC Standards now require independence from the court including the selection and assignment of attorneys, attorney compensation and approval of requests for expert and investigative assistance.

- 35. How will attorneys be selected to provide adult indigent criminal defense services in your indigent defense system? Please describe any eligibility requirements needed by the attorneys as well as the selection process:

Attorneys either initiate contact or are picked based on reputation and experience as well as the ability to be of service based on client need. Attorneys must first apply by filling out an application and Memo of Understanding (an agreement to keep up on training and zealously defend assigned clients.)

The application is reviewed by the MACA and approved or declined. If approved, the attorney is welcomed aboard and given a packet explaining how our system works.

The cases are sequentially assigned to the roster of attorneys subject to several factors including: experience, case complexity, conflicts, attorney time off, location in reference to the client at times, whether they have had an attorney for another case in the past, etc. Furthermore, the MACA Administrator, and the MACA Staff Attorney are available to accept a limited number of felony and misdemeanor cases in order to alliviate potential overflow of indigent cases for the County of Tuscola. This will function in addition to the roster attorney system which is utilized by the Tuscola County MACA Office.

Standard 5 (Page 2)

- 36. Will the selection process be facilitated by a committee of stakeholders? Yes No

If so, please list the titles of participating officials, agencies, or departments as appropriate.

Standard 5 (Page 3)

- 37. Who will approve an attorney's eligibility to receive assigned cases? The Tuscola County MACA Administrator

- 38. Who will assign work to the attorneys in the indigent defense system? Please include the person's name, title,

Standard 5 - Attorney Assignment for Compliance Plan and Cost Analysis Renewal - FY 2024

Agency: Tuscola County

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employer and/or supervisor.

Person's Name: Geoffrey J.M. Stuart

Title: Managed Assigned Counsel Administrator

Employer and/or Supervisor: Tuscola County Controller Clayette Zechmeister

- 39. Who will review and approve attorney billing? The Tuscola County MACA Administrator
- 40. Who will approve requests for expert and The Tuscola County MACA Administrator
investigative assistance?
- 41. Who will review and approve expert and The Tuscola County MACA Administrator
investigative billing?

Standard 5 (Page 4)

An appeal can be submitted to a unbiased and neutral attorney not on the assignment list. The current designees are: the Huron County MAC and the Sanilac County MAC. If a conflict should arise the Tuscola County MACA shall initiate contact with the Huron or Sanilac County assigned counsel offices identify the problem or conflicts and request their input and / or assistance.

- 42. What is your appeal process to resolve any potential conflicts between the assigned attorney and the person(s) assigning casework?

An appeal can be submitted to a unbiased and neutral attorney not on the assignment list. The current designees are: the Huron County MAC and the Sanilac County MAC. If a conflict should arise the Tuscola County MACA shall initiate contact with the Huron or Sanilac County assigned counsel offices identify the problem or conflicts and request their input and / or assistance.

Standard 5 (Page 5)

An appeal can be submitted to a neutral attorney not on the assignment list. The current designees are: the Huron County MAC and the Sanilac County MAC.

- 43. What is your appeal process to resolve any potential conflicts between the assigned attorney and the person(s) or reviewing/approving billing?

An appeal can be submitted to a neutral attorney not on the assignment list. The current designees are: the Huron County MAC and the Sanilac County MAC.

Standard 5 (Page 6)

An appeal can be submitted to a neutral attorney not on the assignment list. The current designees are: the Huron County MAC and the Sanilac County MAC.

- 44. What is your appeal process to resolve denied or partially denied requests for expert or investigative assistance?

An appeal can be submitted to a neutral attorney not on the assignment list. The current designees are: the Huron County MAC and the Sanilac County MAC.

Indigency (Page 1)

The MACA, appointing authority, or person overseen by the MACA interviews the individual to determine indigency - based on such factors as: income (using the poverty guidelines chart), whether the person is serving a sentence in a correctional facility, receives public assistance, and/or has insufficient assets under poverty guidelines, etc.

45. Will judges and/or court staff conduct all indigency screening in every proceeding? Yes No
Please answer Yes or No

If no, who will screen for indigency? The Tuscola MACA, Staff Attorney, or other CAFA as necessary

Is this screener the Appointing Authority? Yes No

If the screener is not the Appointing Authority, does the Appointing Authority oversee the screening process? Yes No

Briefly describe your process for screening for indigency.

The MACA, appointing authority, or person overseen by the MACA interviews the individual to determine indigency - based on such factors as: income (using the poverty guidelines chart), whether the person is serving a sentence in a correctional facility, receives public assistance, and/or has insufficient assets under poverty guidelines, etc.

Indigency (Page 2)

The aggrieved person can make a request to the court by either making an oral motion or filing a request for review of appointing authority determination.

What is the process for appealing a determination that a person does not qualify for appointed counsel?

The aggrieved person can make a request to the court by either making an oral motion or filing a request for review of appointing authority determination.

Indigency (Page 3)

46. Are you designating an Appointing Authority to conduct indigency screening for purposes of MCR 6.005(B)? Yes No

Will you seek contribution from partially indigent defendants? Yes No

47. In cases where contribution is appropriate, who is going to make request with the court for contribution?

48. In cases where contribution is appropriate, what is your process for determining the amount that a person should contribute during the pendency of the case to their defense?

Indigency (Page 4)

49. What is your process for obtaining contribution?

Indigency (Page 5)

50. What is the process for challenging a request for contribution?

51. Do your courts/judges order reimbursement for attorney fees at the conclusion of a case? Yes No

Attorney Compensation (Page 1)

52. The MIDC Standards set minimum hourly rates for roster attorneys accepting assignments in adult criminal cases. Are ALL roster attorneys (not full time employees of a public defender office) paid on an hourly basis? Yes No

If yes [hourly rates are paid], is there any cap or maximum on the hours that can be billed? Yes No

If yes, please explain.

Attorney Compensation (Page 2)

If no [hourly rates are not paid], please describe how attorneys are compensated (flat rate contract, event based, shift coverage, etc). **Please address the following:**

Are attorneys compensated based on caseloads and does the compensation account for increases or decreases in caseload size?

What other factors were considered in arriving at the payment?

Are attorneys able to seek extraordinary compensation?

How do attorneys seek reimbursement for case-related expenses?

How will your system demonstrate that the compensation is equivalent to the MIDC minimum hourly rates? (type of invoicing, etc).

Attorney Compensation (Page 3)

53. All roster attorneys should be provided regular, periodic payments.

How often are attorney invoices processed and paid? On a monthly basis

In lengthy cases, is periodic billing and payment during the course of representation allowed? Yes No

Personnel

In the cost analysis, please provide detail about all personnel employed by the funding unit. This should include DIRECT SERVICE PROVIDERS (Public Defender Chief, Deputy Chief, Assistant Defenders, and staff of the defender office employed by the system) as well as ANCILLARY STAFF (court clerks, sheriff employees, etc.)

Ancillary Staff

54. In limited circumstances, the MIDC can fund some other system staffing needs if required to implement one of the MIDC standards. These requests are evaluated each year.

55. Do you have any ancillary staff? Please answer Yes or No. Yes No

If yes, what standard(s) or reporting needs do they meet?

If yes, how are you tracking time for ancillary staff?

56. For existing ancillary staff, are there any personnel positions/hours eliminated, reduced or increased from the prior year? Please answer Yes or No. Yes No

If yes, please explain in the cost analysis.

57. Are any additional ancillary staff positions or hours requested from the prior year? Please answer Yes or No. Yes No

If yes, please explain in the cost analysis.

Reimbursement Costs for Creating Plan

An indigent criminal defense system may submit to the MIDC an estimate of the cost of developing a plan and cost analysis for implementing the plan under MCL 780.993(2). Please attach documentation of planning time for FY24, if seeking reimbursement under this provision.

Are you requesting reimbursement of planning costs? Yes No

If yes, do you have receipts showing that non-funding unit employees have been paid? Yes No

What is the amount you are seeking in reimbursement?

Costs Associated with Data Collection

The MIDC shall fund reasonable costs associated with data required to be collected under the MIDC Act that is over and above the local unit of government's data costs for other purposes pursuant to MCL 780.993 (10).

Are you requesting funding for costs associated with data collection? Yes No

If yes, please describe (cost for case management system, hiring personnel, etc.)

What is the amount you are seeking for this funding? \$

Reminders

- You must also complete a cost analysis.
- In order to complete your application, you must update or confirm the list of the attorneys providing

services with P numbers.

- If applicable, you must submit documentation supporting your request under MCL 780.993(2) for reimbursement for the cost of compliance planning.

List of the attorneys providing services

Attorneys Accepting Assignments

Name of Attorney	Bar Number	Title	Type of Office	Years Practicing Criminal Defense in Michigan
Gary Crews	P12337	Attorney at Law	Private Attorneys	37.0
Duane Burgess	P30248	Attorney at Law	Private Attorneys	35.0
Bernard Jocuns Jr.	P 65478	Attorney at Law	Private Attorneys	25.0
Jill Schmidt	P 52912	Attorney at Law	Private Attorneys	28.0
Jessica Risky	P 82444	Attorney at Law	Private Attorneys	10.0
Erin Zettle	P 70611	Attorney at Law	Private Attorneys	12.0
Brian Elder	P58645	Attorney at Law	Private Attorneys	20.0
Andrew Lockard	P 65401	Attorney at Law	Private Attorneys	25.0
Nichole Daugherty	P 83027	Attorney at Law	Private Attorneys	6.0
Michael Murawski	P 82642	Attorney at Law	Private Attorneys	9.0
Mitchell Manwell	P 81357	Attorney at Law	Private Attorneys	10.0
Fredrick Miller	P 41207	Attorney at Law	Private Attorneys	35.0
Nicholas Tselepis	P 80909	MIDC Tuscola Staff Attorney	Public Defender	7.0
Geoffrey John-Michael Stuart	P 41443	MIDC Senior Attorney/Administrator	Public Defender	35.0
Rodney Williams	P 47888	Attorney at Law	Private Attorneys	29.0

Instructions for Completion of the Fiscal Year 2024 Cost Analysis

Please complete all sections of the spreadsheet and narrative relevant to your request for grant funds. The cost analysis request is for the total adult criminal indigent defense system cost funded by the state grant, local share, and other funding sources. As noted in the narrative for each budget category, please highlight or make note of a new or changed budget request. Justification of expenses should include a clear statement as to how the position, contract, or item is a direct expense of the local indigent defense system. The request must include calculations for rates, hours and pricing of requested items. Please refer to the MIDC's GRANT MANUAL for guidance as to allowable costs. Click on 'Show Documents' to view the Grant Manual.

Does or will your system use a vendor/nonprofit model public defender office to provide indigent defense services? Yes No

Line Item	Qty	Rate	Units	UOM	Total	State Grant
DIRECT EXPENSES						
Program Expenses						
1 Personnel						
Managed Assigned Counsel Administrator	1.0000	54.000	1950.000	HRS	105,300.00	105,300.00
Staff attorney Notes : Assistant MAC	1.0000	39.000	1950.000	HRS	76,050.00	76,050.00
Legal Secretary	1.0000	18.890	1950.000	HRS	36,835.50	36,835.50
Total for Personnel					218,185.50	218,185.50
2 Fringe Benefits						
Employer FICA	0.0000	7.650	218185.500		16,691.19	16,691.19
Life Insurance	0.0000	6000.000	3.000		180.00	180.00
Retirement	0.0000	8.853	218185.500		19,315.96	19,315.96
Short Term / Long Term Disability	0.0000	2.000	218185.500		4,363.71	4,363.71
Health Insurance	0.0000	1825000.000	3.000		54,750.00	54,750.00
Workmens Compensation	0.0000	1.065	218185.500		2,323.68	2,323.68
Total for Fringe Benefits					97,624.54	97,624.54
Total Program Expenses					315,810.04	315,810.04
Contractual						
1 Contracts for Attorneys						
Assigned Counsel	1.0000	150.000	1250.000	HRS	187,500.00	187,500.00

Cost Analysis Detail for Compliance Plan and Cost Analysis Renewal - FY 2024
 Agency: Tuscola County
 Application: Compliance Plan and Cost Analysis Renewal - FY 2024

Line Item	Qty	Rate	Units	UOM	Total	State Grant
Notes : Capital cases - 1250 hours x \$150 = 187,500 Felony cases - 5300 hours x \$135 = 715,500 Misdemeanor cases - 1681.75 hrs x \$120 = 201,750 arraignments 100 hours x \$120 = \$12,000 Appeals 35 hrs x \$135 = \$4,725 TOTAL \$1,121,475						
Assigned Counsel Notes : FY 2024 FELONY (NON CAPITAL) RATE PER HOUR	1.0000	135.000		5300.000 HRS	715,500.00	715,500.00
Assigned Counsel Notes : FY 2024 MISDEMEANOR RATE PER HOUR	1.0000	120.000		1681.250 HRS	201,750.00	201,750.00
Assigned Counsel Notes : FY 2024 CAFA RATE PER HOUR	1.0000	120.000		100.000 HRS	12,000.00	12,000.00
Assigned Counsel Notes : Appeals and Contingency Plan	1.0000	135.000		35.000 HRS	4,725.00	4,725.00
Total for Contracts for Attorneys					1,121,475.00	1,121,475.00
2 Contracts for Experts and Investigators						
Experts	1.0000	200.000		150.000	30,000.00	30,000.00
Investigators	1.0000	100.000		200.000	20,000.00	20,000.00
Total for Contracts for Experts and Investigators					50,000.00	50,000.00
3 Contracts for Construction						
4 Contracts Other						

Cost Analysis Detail for Compliance Plan and Cost Analysis Renewal - FY 2024
 Agency: Tuscola County
 Application: Compliance Plan and Cost Analysis Renewal - FY 2024

Line Item	Qty	Rate	Units	UOM	Total	State Grant
Lease	1.0000	1500.000	12.000	MTH	18,000.00	18,000.00
Total Contractual					1,189,475.00	1,189,475.00
Other Expenses						
1 Equipment						
2 Training/Travel						
CLE Training for Roster Attorneys	15.0000	50.000	12.000		9,000.00	9,000.00
Registration Fees-CDAM Trial College	2.0000	875.000	1.000		1,750.00	1,750.00
Lodging-Training/Travel Attachment :	17.0000	125.000	2.000		4,250.00	4,250.00
LOD_3_Tuscola Travel-Meal Policy REV.PDF						
Mileage-Training/Travel	17.0000	0.575	176.452		1,724.82	1,724.82
Meals-Training/Travel	17.0000	30.000	3.000		1,530.00	1,530.00
SADO Membership	17.0000	75.000	1.000		1,275.00	1,275.00
NAPD Membership	17.0000	40.000	1.000		680.00	680.00
Bar Membership-MAC and Assistant MAC	2.0000	415.000	1.000		830.00	830.00
Total for Training/Travel					21,039.82	21,039.82
3 Supplies/Services						
Office Supplies	1.0000	3500.000	0.000		3,500.00	3,500.00
Zoom	12.0000	65.000	0.000		780.00	780.00
Notes : Needed for jail meeting access, especially for MAC and assistant to do pre-arraignment interviews						
Interpreters	999.9900	1.500	0.000		1,499.99	1,499.99

Cost Analysis Detail for Compliance Plan and Cost Analysis Renewal - FY 2024
 Agency: Tuscola County
 Application: Compliance Plan and Cost Analysis Renewal - FY 2024

Line Item	Qty	Rate	Units	UOM	Total	State Grant
Transcripts	4000.0000	2.050	0.000		8,200.00	8,200.00
Internet and Phones	1.0000	1920.000	0.000		1,920.00	1,920.00
Total for Supplies/Services					15,899.99	15,899.99
Total Other Expenses					36,939.81	36,939.81
TOTAL DIRECT EXPENSES					1,542,224.85	1,542,224.85
INDIRECT EXPENSES						
Indirect Costs						
1 Indirect Costs						
Total Indirect Costs					0.00	0.00
TOTAL INDIRECT EXPENSES					0.00	0.00
TOTAL EXPENDITURES					1,542,224.85	1,542,224.85

Category	Total	State Grant	Narrative
DIRECT EXPENSES			
Program Expenses			
1 Personnel	218,185.50	218,185.50	These proposed budgets regarding rate of pay for the supervising attorney and the support staff reflect the proper rates of compensation for individuals with the requisite experience and qualifications for the positions which are listed : Administrator = 35 years practicing law in criminal defense and criminal prosecution including abuse and neglect and juvenile delinquency. Staff Attorney/Assistant Public Defender - 7 years experience in criminal prosecution and Defense as well as litigation Legal Secretary - 6 years experience in managing all aspects of the Tuscola County Managed Assigned Counsel Office, Attorney appointments and record keeping.
2 Fringe Benefits	97,624.54	97,624.54	These are standard benefits for Tuscola County full time employees.
Total Program Expenses	315,810.04	315,810.04	
Contractual			
1 Contracts for Attorneys	1,121,475.00	1,121,475.00	These numbers reflect the increase taking place in 2024 for minimum hourly rates for contract attorneys. life offense - \$150 per hour felonies (non-life offense) - \$135 per hour misdemeanors - \$120 per hour CAFA -\$120 per hour

Category	Total	State Grant	Narrative
			Numbers are rounded up from the published numbers for the ease of accounting.
			The amount of money spent on assigned counsel should go down due to the attorneys in this office taking on cases (and that being possible due to a new staff attorney). The budget in misdemeanors and felonies reflect that change and have been reduced from last years budget.
			CAFA expenses should go down due to our office obtaining a new staff attorney
2 Contracts for Experts and Investigators	50,000.00	50,000.00	Numbers are the same as last year.
3 Contracts for Construction	0.00	0.00	
4 Contracts Other	18,000.00	18,000.00	This office has added an attorney and support staff. This office moved into another space in the same building to accommodate the extra staff and future plans. The office tripled in size and now the cost is \$1500 a month.
Total Contractual	1,189,475.00	1,189,475.00	
Other Expenses			
1 Equipment	0.00	0.00	
2 Training/Travel	21,039.82	21,039.82	Fees associated with training and training related costs (travel, meals, etc.)
3 Supplies/Services	15,899.99	15,899.99	Office supplies and services.
Total Other Expenses	36,939.81	36,939.81	
TOTAL DIRECT EXPENSES	1,542,224.85	1,542,224.85	
INDIRECT EXPENSES			

Cost Analysis Summary for Compliance Plan and Cost Analysis Renewal - FY 2024
 Agency: Tuscola County
 Application: Compliance Plan and Cost Analysis Renewal - FY 2024

Category	Total	State Grant	Narrative
Indirect Costs			
1 Indirect Costs	0.00	0.00	
Total Indirect Costs	0.00	0.00	
TOTAL INDIRECT EXPENSES	0.00	0.00	
TOTAL EXPENDITURES	1,542,224.85	1,542,224.85	

Source of Funds for Compliance Plan and Cost Analysis Renewal - FY 2024
 Agency: Tuscola County
 Application: Compliance Plan and Cost Analysis Renewal - FY 2024

Source of Funds						
Category	Total	State Grant	Local Share	Other Funding Sources	Narrative	
1 Source of Funds						
State Grant Contribution	1,286,280.15	1,286,280.15	0.00	0.00		
Local Share Contribution	255,944.70	0.00	255,944.70	0.00		
Program Revenue	0.00	0.00	0.00	0.00		
Previous Year Unspent Funds	0.00	0.00	0.00	0.00		
Total Source of Funds	1,542,224.85	1,286,280.15	255,944.70	0.00		
Totals	1,542,224.85	1,286,280.15	255,944.70	0.00		

Document your policy, plan and/or contract language

As part of your process for monitoring the compliance of the contract with your vendor for providing indigent defense services, please document here your policy, plan and/or contract language that identifies how payments are made to the vendor (frequency, by allotments, by invoice billing, for example) and how funds if advanced by you and unexpended by the vendor at the close of the grant year are reported to you and accounted for.

Please upload a copy of your policy

Personnel

Enter information in this section only if you selected 'Yes' for 'Does or will your system use a vendor/nonprofit model public defender office to provide indigent defense services?'

List all positions to be funded by the grant budget (state grant/local share). Please * highlight all positions that are new personnel requests and provide justification for need.

Description	New	Qty	Hours	Rate	State Grant	Notes
TOTAL						

Fringe Benefits and Other Employment Perks

List all positions within the nonprofit. Please highlight all positions that are new personnel requests and provide justification for need. Please note if there is an increase/decrease in cost from last fiscal year for each employee.

Description	Percent.	Units	State Grant	Notes
TOTAL				

Contract/Conflict for Attorneys

List all possible rate scenarios for attorney contracts that apply (i.e., hourly, event based, annual contract paid monthly). Please highlight rates or attorney line requests that are a change from the approved contract and contract rates

Description	New	Hours	Rate	State Grant	Notes
TOTAL					

Construction/Office Space Improvement Projects

Provide as much detail as possible for each requested project identifying the need for the project, the component costs, and if possible, the estimate or project quote. Attach a separate document if needed and submit a copy of all estimates and quotes.

Description	Qty	Rate	State Grant	Notes	Attachment
TOTAL					

Contracts Other

Provide justification for all other contract costs. Please highlight a new request.

Description	New	Qty	Rate	State Grant	Notes
TOTAL					

Equipment

Provide justification for new equipment requests. Please note if equipment is being replaced and state when the original item was acquired.

Description	Vendor	New	Qty	Rate	State Grant	Notes
TOTAL						

Training/Travel

Provide travel and training justification and *highlight new or changed requests.

Please note any out of state training/travel.

Description	Vendor	New	Qty	Rate	State Grant	Notes
TOTAL						

Supplies/Services

Provide justification for supplies requests. Please note if there is an increase/decrease in these costs.

Description	Vendor	Increase	Qty	Rate	State Grant	Notes
TOTAL						

Additional Services/Funding Not Provided Under The MIDC Act

If the nonprofit PD office provides additional services out of the scope of the MIDC Grant, please demonstrate that those services are not paid for with MIDC funding.

Additional Services/Funding Not Provided Under The MIDC Act	Service	Total Dollars From Other Source
TOTAL		

Vendor / Non-Profit Office Summary

Expense Category	State Grant
Personnel	
Fringe Benefits and Other Employment Perks	

Contractual Contract/Conflict for Attorneys	
Construction/Office Space Improvement Projects	
Contracts Other	
Equipment	
Training/Travel	
Supplies/Services	
TOTAL	

Additional Services/Funding Not Provided
Under The MIDC Act

FIRST AMENDMENT TO COMMERCIAL LEASE AGREEMENT
429 STATE STREET, CARO, MICHIGAN

This First Amendment to Commercial Lease Agreement (Amendment) is made on this ___ day of June, 2023, by and between ROLKA PROPERTY, LLC, a Michigan limited liability company of 205 West Sherman Street, Caro, Michigan 48723 (Landlord), and TUSCOLA COUNTY f/b/o the MICHIGAN INDIGENT DEFENSE COMMISSION (“MIDC”), a Michigan limited liability company (Tenant), whose address is 429 State Street, Suite 200, Caro, Michigan 48723.

W I T N E S S E T H

WHEREAS, Landlord and Tenant entered into that certain Commercial Lease Agreement on April 1, 2019 (the “Lease”), for that certain tract or parcel of land located at what is commonly known as 429 State Street, Caro, Michigan and more particularly described in the Lease; and

WHEREAS, Landlord and Tenant desire to amend the Lease to modify the location of the Premises and the Rent, as defined below, only (as defined in the Lease).

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Definitions. Capitalized terms used herein and not otherwise defined shall have the same meaning ascribed to them in the Lease.

2. Premises. Section 1, at subsection f. of the Lease is hereby amended as follows:

“Suite #103” is hereby deleted in full and “Suite #200” is hereby inserted in its place and stead.

Further, at any time “Suite #103” is mentioned in the Lease, it shall be replaced with “Suite #200,” like, e.g., in Section 2, and subsection a. wherein the Landlord reserves the right to modify the suite in the Building during the Term of the Lease.

3. Rent. Section 1, at subsections o. and p. of the Lease are hereby amended as follows:

At subsection o. the Lease, referring to Annual Base Rent, the figure of “\$6,000.00” shall be deleted and the figure of \$18,000.00, inserted in its place and stead.

At subsection p. the Lease, referring to Monthly Installment of Base Rent, the figure of “\$500.00” shall be deleted and the figure of \$1,500.00, inserted in its place and stead.

4. No Further Amendments. Except as specifically amended hereby, the Lease shall remain in full force and effect without any further amendments thereto.

5. Counterparts. This Amendment may be executed in multiple counterparts, each of which shall be deemed an original and all of which, taken together, shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first above written.

LANDLORD:

ROLKA PROPERTY, LLC,
a Michigan limited liability company

By: _____
MARK RANSFORD
Its: Authorized Member

TENANT:

COUNTY of TUSCOLA,
a Michigan County Corporation

By: _____
Its:



Tuscola County

Clayette Zechmeister <zclay@tuscolacounty.org>

BOC

Robert Baxter <rbaxter@tuscolacounty.org>

Fri, Jun 23, 2023 at 11:10 AM

To: Clayette Zechmeister <zclay@tuscolacounty.org>

Matthew Clark was given a conditional job offer pending a background, physical, psychological and drug test to fill a vacant road patrol position. Clark is currently employed by Caro Pd and has 14 years of law enforcement experience, 7 of which was full time. Due to his years of experience, I request that he start at step 5 (\$27.76). Per Letter of Agreement between the County and the Police Officers Association of Michigan CBA, I recommend that Clark receive the \$3,000 sign on bonus, to be structured at the discretion of the Sheriff.

Caleb Bock was given a conditional job offer pending a background, physical, psychological and drug test to fill a vacant road patrol position. He will be considered full-time, step 1 (\$24.08 per hour) while attending the police academy/start date August 21, 2023.

Current Corrections Officer Mallory Fini will be attending the police academy, starting August 21, 2023. She will move from the Corrections Unit to the Road Patrol Unit st step 1 (\$24.08 per hour).

Undersheriff Robert E. Baxter
Tuscola County Sheriff Administration
420 Court St
Caro, MI 48723
989-673-8161 ext 2225
Fax: 989-673-8164

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**DISTRICT HEALTH DEPARTMENT No. 2
2022 HOMELAND SECURITY GRANT PROGRAM
SUBRECIPIENT FUNDING AGREEMENT**

THIS SUBRECIPIENT FUNDING AGREEMENT, entered into this _____ day of _____, 20____, by and between the DISTRICT HEALTH DEPARTMENT No. 2, a public health department serving four counties within Michigan’s Region 3 and based at 630 Progress Street, West Branch, Michigan, hereinafter referred to as “DHD2”, acting as Fiduciary Agent for the 2022 Homeland Security Grant Program (Fiduciary) and _____(Political Subdivision), with a fiscal year end date of _____ (month) ____ (day).

WITNESSETH, THAT:

WHEREAS, pursuant to the Urban Cooperation Act of 1967, 1967PA 7, mcl 124.501, *et,seq.*, the Fiduciary and the Political Subdivision enter into the agreement for the purpose of passing through 2022 Homeland Security Grant Program (grant program) funds to the Political Subdivision, delineating the relationship and responsibilities among the Fiduciary, the Political Subdivision and the Region 3 Homeland Security Planning Board regarding the grant program; and addressing use of grant program funds, including but not limited to, the purchase, use and tracking of equipment purchased with grant program funds, purchase or reimbursement of services with grant program funds, and/or reimbursement for certain salaries and/or overtime with grant program funds.

WHEREAS, DHD2 was elected and appointed Fiduciary for the 2022 Homeland Security Grant Program by the Region 3 Homeland Security Board on August 1, 2022; and District Health Department #2 accepted the position of Fiduciary and as a result entered into the 2022 Homeland Security Grant Program with the Michigan State Police Emergency Management and Homeland Security Division (MSP-EMHSD) and became the Subgrantee for the grant program effective September 1, 2022. In consideration of the mutual promises, obligations, representations, and assurances in the agreement, the parties agree to the following:

1. **Definitions:** The following words and expressions used throughout this agreement, whether used in singular or plural, or possessive or non-possessive, shall be defined, read, and interpreted as follows:
 - 1.1. **Agreement** means the terms and conditions of this agreement, the exhibits attached hereto and any other mutually agreed to written and executed modification, amendment, or addendum.
 - 1.2. **Claim** means any alleged loss, claim, complaint, demand for relief or damages, cause of action, proceeding judgement deficiency, liability, penalty, fine, litigation, costs and/or expenses, including but not limited to, reimbursement for attorney fees, witness fees, court costs, investigation expenses, litigation expenses, and amounts paid in settlement, which are imposed on, incurred by or asserted against the Fiduciary or Political Subdivision, as defined herein, whether such claim is brought in law or equity, tort, contract, or otherwise.

- 1.3. **Fiduciary** means District Health Department #2, a multi-county public health department, including, but not limited to, its Board of Health, any and all of its departments, divisions, elected and appointed officials, directors, authorities, committees, employees, agents, subcontractors, attorneys, and/or any such person's successors.
 - 1.4. **Party/Parties** means the Fiduciary and the Political Subdivision may also be referred to individually as party or jointly as parties.
 - 1.5. **Political Subdivision** means a Michigan Municipal Corporation including but not limited to, its Council, Board, and any and all of its departments, divisions, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, subcontractors, attorneys, and/or any such person's successors.
 - 1.6. **Region** means the area comprised of Alcona, Arenac, Bay, Genesee, Gladwin, Huron, Iosco, Lapeer, Midland, Ogemaw, Oscoda, Saginaw, Sanilac, and Tuscola Counties. The Region mirrors the existing State Emergency Management 3rd District and the Office of the Public Health Preparedness Bio-Defense Network region.
 - 1.7. **Region 3 Homeland Security Planning Board (Region 3 Planning Board)** means the Regional Homeland Security Planning Board for Region 3, as created by the Michigan Homeland Protection Board, and is comprised of the Counties from the Region.
 - 1.8. **2022 Homeland Security Grant Program (grant program)** means the grant program described and explained in Exhibit B which began September 2, 2022 and ends May 31, 2025. The grant program is a primary funding mechanism, administered by the United States Department of Homeland Security (DHS) and plays an important role in the implementation of the National Preparedness System (NHS) by supporting the building, sustainment, and delivery of core capabilities essential to achieving the National Preparedness Goal (NPG) of a secure and resilient nation. CFDA #: 97.067 and Federal Award ID #: EMW-2022-SS-00031-S01.
2. **Agreement Exhibits** - The exhibits listed below, and their properly promulgated amendments are incorporated and are part of this agreement.
- 2.1. **Exhibit A:** Region 3 Homeland Security Planning Board minutes from August 1, 2022, re: approval of the 2022 Homeland Security Grant Program Fiduciary
 - 2.2. **Exhibit B:** 2022 Homeland Security Grant Program agreement between the Fiduciary and the Michigan State Police Emergency Management and Homeland Security Division (MSP-EMHSD)
 - 2.3. **Exhibit C:** FY 2022 HSGP Agreement Articles Applicable to Subrecipients
 - 2.4. **Exhibit D:** FY 2022 HSGP Equipment Ownership Agreement

3. Fiduciary Responsibilities

- 3.1. The Fiduciary will comply with all requirements set forth in the grant program agreement between the Fiduciary and MSP-EMHSD.
- 3.2. The Fiduciary shall comply with all requirements set forth in the 2022 Homeland Security Grant Program guidance.
- 3.3. The Fiduciary shall submit all required project forms to MSP-EMHSD for review and approval which the Political Subdivision has submitted to the Fiduciary and been approved by the Region 3 Planning Board.
- 3.4. The Fiduciary shall reimburse the Political Subdivision for the equipment, services and/or personnel costs as set forth in the forms as supplied and required by MSP-EMHSD and the applicable reimbursement forms reviewed and approved by MSP-EMHSD. The funds shall only be released by the Fiduciary after the applicable reimbursement forms, required by MSP-EMHSD and the Fiduciary are properly executed by the parties.
- 3.5. The Fiduciary shall create and maintain an inventory of all equipment purchased with grant program funds in accordance with 2 CFR, Part 200.313 located at <https://www.ecfr.gov>
- 3.6. The Fiduciary shall notify the Political Subdivision at the end of the Political Subdivision's fiscal year of the dollar amount of grant program funds released to the Political Subdivision for that fiscal year.
- 3.7. The Fiduciary shall file this agreement pursuant to law and provide executed copies of this agreement to the Region 3 Planning Board Secretary and the Political Subdivision.

4. Political Subdivision Responsibilities

- 4.1. The Political Subdivision shall prepare all required forms for the use of grant program funds and shall submit such forms to the Region 3 Planning Board. Upon approval by the Region 3 Planning Board, the Fiduciary will forward the required forms to MSP-EMSHD for review and approval.
- 4.2. The Political Subdivision shall make all purchases in accordance with applicable federal, state, and local purchasing policies.
- 4.3. The Political Subdivision shall use the equipment purchased with grant program funds and all grant program funds in accordance with the guidance provided in the 2022 Homeland Security Grant Notice of Funding Opportunity. The Political Subdivision shall be solely responsible for the equipment, including but not limited to the following:
 - 4.3.1. Operation of the equipment;
 - 4.3.2. Maintenance and repair of the equipment;
 - 4.3.3. Replacement and repair of equipment, which is willfully or negligently lost, stolen, damaged, or destroyed;

- 4.3.4. Investigate, fully document, and make part of the official Grant Program records any loss, damage, or theft of equipment;
- 4.3.5. Insurance, license, or title for the equipment, if required by law or if the Political Subdivision deems appropriate in its discretion;
- 4.3.6. Training for use of the equipment, if training is not included with the purchase of the equipment;
- 4.3.7. Liability for all Claims arising out of the Political Subdivision's use of the equipment.
- 4.4. The Political Subdivision shall keep the Fiduciary informed of the location of the equipment purchased with grant program funds regardless of who purchased the equipment. If the equipment by its nature is mobile, the Political Subdivision must provide a general location or "home base" where the equipment can be found. If the location of the equipment changes, the Political Subdivision shall provide the new location to the Fiduciary immediately. The information required by this Section shall be provided to the Fiduciary upon receipt of the equipment by the Political Subdivision through the completion of Exhibit D, Equipment Ownership Agreement.
- 4.5. The Political Subdivision shall list the dollar amount provided by the Fiduciary pursuant to Section 3.6 on the Political Subdivision's Schedule of Expenditures of Federal Awards.
- 4.6. Except for equipment that is disposable or expendable, the Political Subdivision shall inform the Fiduciary if it plans to dispose of the equipment and work with the Fiduciary regarding any issues with disposal of the equipment.
- 4.7. The Political Subdivision shall be solely responsible for all costs, fines, and fees associated with the use and misuse of the equipment, including but not limited to, costs for replacing the equipment or costs, fines, or fees associated with an ineligible use determination by auditors.
- 4.8. The Political Subdivision shall make the equipment available to the Fiduciary, MSP-EMHSD and Federal Auditors upon request.
- 4.9. The Political Subdivision shall comply with National Incident Management System (NIMS) requirements to be eligible to receive federal preparedness funds.
- 4.10. The Political Subdivision shall comply with the applicable financial and administrative requirements set forth in the current edition of 2 CFR, Part 200, including but not limited to the following provisions:
 - 4.10.1. Account for receipts and expenditures; maintain adequate financial records and refund expenditures disallowed by Federal or State audit.
 - 4.10.2. Retain all financial records, statistical records, supporting documentation and other pertinent materials for at least three (3) years after the grant is closed by the awarding federal agency for purposes of federal and/or state examination and audit.

- 4.10.3. Equipment records shall be maintained by the Political Subdivision until three (3) years after the equipment has been disposed.
- 4.10.4. Non-federal organizations which expend \$750,000 or more in federal funds during their current fiscal year are required to have an audit performed in accordance with the Single Audit Act of 1984, as amended, and 2 CFR, Part 200.
- 4.11. The Political Subdivision shall integrate individuals with disabilities into emergency planning in compliance with Executive Order 13347 and the Rehabilitation Act of 1973.
- 4.12. Environmental and Historic Preservation Compliance: The federal government is required to consider the potential impacts to the human and natural environment of projects proposed for federal funding. The Environment and Historical Preservation (EHP) program engages in a review process to ensure that federally funded activities comply with various federal laws. The goal of these compliance requirements is to protect our nation's water, air, coastal, wildlife, agricultural and low-income and minority populations. The Political Subdivision shall not undertake any project having the potential to impact EHP resources without prior approval. Any activities that have been initiated without the necessary EHP review and approval will result in a non-compliance finding and will not be eligible for federal funding.
- 4.13. The Political Subdivision shall comply with the Davis-Bacon Act (40 U.S/C. 3141 *et seq*) for grant funded construction projects. The Political Subdivision must ensure that contractors or subcontractors for construction projects pay workers employed directly at the worksite no less than the prevailing minimum wage and fringe benefits paid on projects of a similar character. Additional information, including Department of Labor wage determinations is located at: <http://www.dol.gov/compliance/laws/comp.dbra.htm>
- 4.14. Upon request, the Political Subdivision will supply to the Fiduciary any information required to meet federally mandated reporting requirements and DHS program specific reporting requirements.
- 4.15. The Political Subdivision must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. The Political Subdivision also agrees to require any subrecipients, contractors, successors, transferees, and assignees to acknowledge and agree to comply with these same provisions. Detailed information can be found in the *DHS Standard Administrative Terms and Conditions* located at <https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions> , specifically in the DHS Specific Acknowledgements and Assurances on page 1.
5. **Region 3 Planning Board Responsibilities:** The parties agree and acknowledge that the Region 3 Planning Board shall have the following responsibilities:
- 5.1. Undertake studies and make recommendations on matters of emergency management and homeland security to Political Subdivisions in the Region;

- 5.2. Hold public meetings, subject to the Michigan Open Meetings Act;
- 5.3. Perform such other acts or functions as it may deem necessary or appropriate to fulfill the duties and obligations imposed by Federal and State Homeland Security Program requirements;
- 5.4. Establish subcommittees to carry out its work;
- 5.5. Advocate for, monitor and actively engage in the implementation of the Regional Homeland Security Strategy;
- 5.6. Ensure that all grant projects are aligned to the appropriate FY 2022 HSGP investment and the appropriate core capability from the National Preparedness Goal. The Region 3 Homeland Security Planning Board should consider the benefits to Region 3 prior to approving projects for funding.
- 5.7. Ensure the Regional Fiduciary is fully apprised of all projects approved by the Region 3 Homeland Security Planning Board.

6. Duration of Interlocal Agreement -

- 6.1. The agreement and any amendments hereto shall be effective when executed by both parties with resolutions passed by the governing bodies of each party and shall end three (3) years from the date the grant program is closed or when terminated and/or cancelled pursuant to Section 8. The approval and terms of the agreement and any amendments hereto shall be entered in the official minutes of the governing bodies of each Party.

7. Liability/Assurances

- 7.1. Each Party shall be responsible for any claim made against that party by a third party, and for the acts of its employees or agents arising under or related to this agreement.
- 7.2. In any claim that may arise under or related to this agreement, each party shall seek its own legal representation and bear the costs associated with such representation, including attorney fees.
- 7.3. Except as provided herein, neither party shall have any right under any legal principle to be indemnified by the other party or any of its employees or agents in connection with any claim.
- 7.4. To the extent allowed by law, DHD2 shall hold harmless the Political Subdivision for any claims arising as a result of DHD2's performance of, or failure to perform, any of its obligations under this Agreement with the Political Subdivision or the FY 2022 Homeland Security Grant Agreement with the Michigan State Police.
- 7.5. To the extent allowed by law, the Political Subdivision shall hold harmless DHD2 for any claims arising as a result of the Political Subdivision's performance of, or failure to perform, any of its obligations under this Agreement with DHD2.
- 7.6. Nothing herein shall constitute a waiver of either party's rights with regard to governmental immunity.

- 7.7. Notwithstanding any other provisions of this agreement, the Political Subdivision shall be solely responsible for all costs, fines, and fees associated with the use and misuse of grant program funds that it receives or the use or misuse of the equipment, including but not limited to, costs for replacing the equipment or costs, fines or fees associated with an ineligible determination by the auditors.
- 7.8. The parties have taken all actions and secured all approvals necessary to authorize and complete this Agreement. The persons signing this Agreement on behalf of each party have legal authority to sign this Agreement and bind the parties to the terms and conditions contained herein.
- 7.9. Each party shall comply with all federal, state, and local ordinances, regulations, administrative rules, laws and requirements applicable to its activities performed under this Agreement, including but not limited to, the Homeland Security Grant Program Agreement, attached as Exhibit B, and the 2022 Homeland Security Grant Program Notice of Funding Opportunity.
8. **Termination and/or Cancellation of Agreement:** Either party may terminate and/or cancel the Agreement upon thirty (30) days' notice to the other Party. The effective date of termination and/or cancellation shall be clearly stated in the notice. If this Agreement is terminated and/or cancelled, the Transfer of Ownership Agreements executed prior to the date of termination and/or cancellation, shall remain valid and govern the parties' duties and obligations regarding equipment transferred to the Political Subdivision and the parties shall execute Transfer of Ownership Agreements for all equipment ordered by the Fiduciary prior to the date of termination and /or cancellation.
9. **No Third Party Beneficiaries:** Except as provided for the benefit of the Parties, this Agreement does not and is not intended to create any obligation, duty, promise, contractual right or benefit, right to indemnification, right to subrogation, and/or any other right in favor of any other person or entity.
10. **Discrimination:** The Parties shall not discriminate against their employees, agents, applicants for employment, or another person or entities with respect to hire, tenure, terms, conditions, and privileges of employment or any matter directly or indirectly related to employment in violation of any federal, state, or local law.
11. **Permits and Licenses:** Each Party shall be responsible for obtaining and maintaining, throughout the term of this Agreement, all licenses, permits, certificates, and governmental authorizations necessary to carry out its obligations and duties pursuant to this Agreement.
12. **Reservation of Rights:** The Agreement does not, and is not intended to waive, impair, divest, delegate, or contravene any constitutional, statutory, and/or legal right, privilege, power, obligation, duty, or immunity of the Parties.
13. **Delegation/Subcontract/Assignment:** Neither party shall delegate, subcontract and/or assign any obligations or rights under this Agreement without the prior written consent of the other Party.

14. **No Implied Waiver:** Absent a written waiver, no act, failure, or delay by a Party to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision in this Agreement, whether by conduct or otherwise, in one or more instances, shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement. No waiver by either Party shall subsequently affect its right to require strict performance of this Agreement.
15. **Severability:** If a court of competent jurisdiction finds a term, or condition of this agreement to be illegal or invalid, then the term, or condition shall be deemed severed from this Agreement. All other terms, conditions and provisions of this Agreement shall remain in full force.
16. **Captions:** The section and subsection numbers, captions, and any index to such sections and subsections contained in this Agreement are intended for the convenience of the reader and are not intended to have any substantive meaning. The numbers, captions and indexes shall not be interpreted to be considered as part of this Agreement. Any use of the singular or plural number, any reference to the male, female, or neuter genders, and any possessive or non-possessive use in this Agreement shall be deemed the appropriate plurality, gender or possession as the context requires.
17. **Notices:** Notices given under this Agreement shall be in writing and shall be personally delivered, sent by express delivery service, certified mail, or first-class U.S. mail postage prepaid and addressed to the person listed below. Notice will be deemed given on the date when one of the following first occur: (1) the date of actual receipt; (2) the next business day when notice is sent express delivery service or personal delivery; or (3) three days after mailing first class or certified U.S. mail.
- 17.1. If notice is sent to the Fiduciary, it shall be addressed and sent to: District Health Department
No. 2, Finance Department, 630 Progress St., West Branch, MI 48661
- 17.2. If notice is sent to the Political Subdivision, it shall be sent to: _____
- _____
- 17.3. Either Party may change the address and/or individual to which notice is sent by notifying the other Party in writing of the change.
18. **Governing Law:** This Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan.
19. **Agreement Modifications or Amendments:** Any modifications, amendments, recession, waivers, or releases to this Agreement must be in writing and executed by both Parties.
20. **Entire Agreement:** This agreement represents the entire agreement and understanding between the parties. The language of this agreement shall be construed as a whole according to its fair meaning, and not construed strictly for or against any party.

IN WITNESS WHEREOF:

District Health Department No. 2:

EXECUTED: _____ DATE: _____


PRINTED NAME and TITLE: _____

Political Subdivision: _____

EXECUTED: _____ DATE: _____

PRINTED NAME and TITLE: _____

Region 3 Homeland Security Planning Board:

EXECUTED:  _____ DATE: 6-7-2023

PRINTED NAME and TITLE: Randy Miller, Chair, R3HSPB

As funds become available for the backup projects, Melissa will contact the project leads to begin the purchasing process. No backup funds were needed for the GLHSC, so the Midland mass casualty project will be fully funded at \$15,000. There is currently partial funding for Mike Bowers' stop the bleed kits, but it will likely be fully funded, as well. Melissa urged everyone to be in communication with vendors of ongoing projects to ensure that equipment can be received and invoiced by the end of the grant performance period.

Melissa sent out individual reminders the week prior to this meeting concerning outstanding projects and unused allocation balances.

FY 2020 HSGP Fiduciary Report:

The FY 20 grant ends May 31, 2023. **The deadline for project requests and AAF submissions for the FY 20 grant is September 1 and EHPs are due by November 1st.** EMHSD recommends allowing about three months for an EHP review and approval. Many projects still need to be completed and several counties still need to allocate their funds to projects.

Motion 2022-0044 – Motion by Jen Boyer, seconded by Steve Anderson, to approve the FY 20 Huron Co. project of AEDs for \$19,600.39. Roll call vote.

Discussion: These will be portable AEDs.

Ayes: Rice, M. Bowers, Metropoulos, North, Miller, Allen, Satkowski, Boyer, M. Bowers, M. Bowers, Hillman, Anderson, Kelly **Ayes: 13 Nays: 0 Motion carried.**

Motion 2022-0045 – Motion by Mike Bowers, seconded by Jen Boyer, to approve the FY 20 Oscoda Co. projects of Backup Repeater for Aux Com for \$6,500.00 and Hazmat Equipment for the remainder of Oscoda County's allocation. Roll call vote.

Ayes: Rice, M. Bowers, Metropoulos, North, Miller, Allen, Satkowski, Boyer, M. Bowers, M. Bowers, Hillman, Anderson, Kelly **Ayes: 13 Nays: 0 Motion carried.**

Motion 2022-0046 – Motion by Todd Hillman, seconded by Steve Anderson, to approve the FY 20 Sanilac Co. project of Portable Radios for law enforcement \$19,600.39. Roll call vote.

Ayes: Rice, M. Bowers, Metropoulos, North, Miller, Allen, Satkowski, Boyer, M. Bowers, M. Bowers, Hillman, Anderson, Kelly **Ayes: 13 Nays: 0 Motion carried.**

Motion 2022-0047 – Motion by Mike Bowers, seconded by Steve Anderson, to approve the FY 20 Arenac Co. project of Jail Security Cameras & County Building Panic Buttons for \$6,000.00 and Hazmat Equipment for the remainder of Arenac County's allocation. Roll call vote.

Discussion: The panic buttons will not be attached to any surface.

Ayes: Rice, M. Bowers, Metropoulos, North, Miller, Allen, Satkowski, Boyer, M. Bowers, M. Bowers, Hillman, Anderson, Kelly **Ayes: 13 Nays: 0 Motion carried.**

Motion 2022-0048 – Motion by Jeff Satkowski, seconded by Jen Boyer, to approve the FY 20 Lapeer Co. project of Ice Rescue Equipment \$7,800.00. Roll call vote.

Discussion: This will include 2 ice suits, personal flotation devices, rope, etc.

Ayes: Rice, M. Bowers, Metropoulos, North, Miller, Allen, Satkowski, Boyer, M. Bowers, M. Bowers, Hillman, Anderson, Kelly **Ayes: 13 Nays: 0 Motion carried.**

Violent Extremism, and Community Preparedness & Resilience, a minimum of 3% of the total grant award must be spent. Election Security and Cybersecurity are optional project categories and Emerging Threats is no longer an option. If only 3% was spent on each category, then the 30% requirement would not be attained. The percentages shown on **Attachment 1** are tentative until we determine what the needs and requests for each category are. Details for these projects need to be developed at the next board meeting so there is time to write the two-page narratives for each.

The LETPA could be responsible for the Intelligence & Information Sharing required project. The group does not meet in August but could meet in September. If the group chooses to pursue the MAGLOCLLEN subscriptions, then this could be an easy project that could carry over from year to year. Melissa has some concerns about this project, such as funding those agencies with existing subscriptions and how to pay for the subscriptions, as reimbursing every individual agency would be a lot of paperwork. It is too late to do a two-year subscription under the FY 21 grant, as the subscription must end before the end of the performance period. For the FY 22 grant, a minimum of 30% is required to be allocated to the LETPA.

Some of the ideas for the required projects discussed at the last Statewide Regional Workgroup meeting included the following:

- Soft Targets & Crowded Places – security cameras, barriers, warning signs, portable lighting, mobile deployable closed circuit security cameras, active shooter kits, regional stop the bleed training, active shooter training or conference
- Intelligence & Information Sharing – MAGLOCLLEN subscriptions, FLO training, GrayKey, license plate scanners, facial recognition scanners
- Combating Domestic Violent Extremism – cellular response consoles, vehicle data extraction device, DVE conference, training, DVE public awareness campaign
- Cybersecurity – assessments, improvements, cyber awareness campaign, convert all regional staff emails to a .gov email system
- Community Preparedness & Resilience – CERT support, equipment, trailers, training; Do 1 Thing; community preparedness events (not including giveaways)

Steve Anderson left the meeting due to a tornado event in Tuscola County.

The State is bringing in a basic EMI academy. The training announcement went out in June, but the slots are now full. It is estimated that it cost the State approximately \$20,000 to bring in this training. This might be something useful for our region, especially for the new EMs. John Jurek stated that there are now actual credentialing requirements from the State for the IMT. One of those requirements is 191 ICS EOC Interface training. The entire team will need this training. John is seeking funding to host this training locally and open it up to others in the region. This course is also a requirement for the PEM certification.

Critical Infrastructure Scoring:

Part 3 of the assessment is due February 1st and due to Melissa a week prior to that date. Be making changes or updates to the assessments as you are aware of them. This is expected to turn into just an annual update.

Procurement Policies:

Sherrie Loader is working on developing a presentation on procurement for the regions. We need to determine when we would like her to host one for us. The presentation could be in-person (her preferred method), virtual, or a combination of the two, which may be a good idea, as we could then include local finance department staff. The procurement policies encompass all federal grants, not just the HSGP. Knowing the proper procurement policies for these grants could help prevent having to pay back funds in the future.

Travel reimbursement rates are now the lessor of the local or Federal rates. If an individual is getting reimbursed directly from the grant, then it is the lessor of the fiduciary or Federal rates. The current federal rate for mileage is \$0.625/mile, which changed effective July 1st. The government rate is \$0.22/mile and applies when using a city or county vehicle.

Committee Reports:

HCC – Rob Kelly reported that HCC’s new budget period started on July 1st. They have been reviewing their work plan that was just issued, has a budget that is identical to last year’s, and contains some new items, but no surprises. They are being allowed to submit for special projects to use up leftover funds from the previous budget year.

The Region hasn’t seen much of a change in COVID hospitalizations over the last month, which is at approximately 100 patients. There is an increase in positive cases in nursing homes and daycare centers, but those cases are not severe.

RRT – No one was present from the team, as Mark Laux is on vacation for the next two weeks, but a report was provided. The team took numerous calls for assistance over the past couple of months. They gave technical advice about a spill in Genesee County and for a chemical disposal concern for Mike Bowers.

The RRT took three members to two different hospitals in Tuscola County and provided six hours of mass decontamination training to approximately forty employees. Thanks to Steve Anderson for making the connections and getting the team involved.

Bob North will be taking RRT members on a tour of the Gladwin County dams for preplanning in mid-August.

MSP Hazmat and the RRT are hosting a Risk-Based Response to Battery Emergency class for first responders on September 19th. The class has been filled with thirty students from across the Region. Only twelve students are RRT members.

The RRT is running two 40-hour Confined Space Technical Level training sessions locally. By the completion of these classes, which will be held in October and January, the RRT will add twenty more Confined Space Technicians to the certifications along with three Confined Space Technician instructors through MUSAR.

Two specialized trainings are being completed for Saginaw Fire Department and Bay City Public Safety on the topic of the Arizona Vortex Artificial High Directional strategies. Region 3 has purchased this unique type of tripod/bipod/monopod through different grant years and Mark is providing the training on these devices. These 4-hour training sessions will be completed by August 18th with future trainings likely.

The RRT is looking to send six members to Anniston, AL in October for Hazardous Materials Technician training. Even though the RRT is sponsoring six team members, this program is open to all responders. The FEMA Center for Domestic Preparedness (CDP) offers lots of training classes that are free to attend. Airfare, meals, lodging, and travel are all covered through the CDP. Mark highly recommends sending people to these FEMA courses. Please contact Mark if you would like more information about this program.

on their online certifications. The Ogemaw ARES group donated a trailer that will be converted into a regional CERT trailer and serve as a regional disaster response asset.

Aux Comm – Mike Bowers reported that currently Aux Comm is not operational. There are some individual people who will respond and help with auxiliary communications, but the administrative group was primarily from the older generation and from the southern counties and for individual reasons do not have time to devote to this group. Mike is going to try to put together a new committee sometime in September with those showing new interest, but he will continue to invite those who have previously participated in Aux Comm, as well.

MSP/EMHSD – Lt. Barker reported that a damage assessment training will be held in Moffit Twp. on August 4th. There are now a few local MICIMS trainers, including Mark Przybylski.

Lt. Barker plans to hold a DC meeting in September with new FEMA regional staff and Matt Helmkamp will do a presentation on the HSIN connect room.

Unfinished Business: N/A

New Business:

It was expressed that checks coming into the jurisdictions from both the grant fiduciary and the State are challenging for the finance departments to determine exactly what the funds are for. When in doubt, have them contact Melissa and she may be able to assist, if grant related.

Hazard mitigation plans now are required to include information on how the jurisdiction plans to combat climate change.

Staff Report:

Melissa sent out a draft contact list for this board last week. Please review and get back with Melissa on any updates needed. She will send out the finalized list once complete.

Other/Public Comments/Announcements:

The next R3HSPB meeting will be September 12th and the Citizen Corps Committee will meet at 12:30 P.M. that day. The focus of these meetings will be to develop ideas for the FY 22 required projects.

Adjournment:

Meeting adjourned at 3:05 P.M.

Respectfully Submitted,
Melissa Upper

Attachment 1

FY 2022 HSGP - National Priority Projects Funding - Draft

Tentative Total Grant Amount	\$	802,421.00
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Required Projects (must be at least 30% of total award)		Original Requests	Solution Area
Intelligence & Information Sharing (4.736%) - 3% min.	\$ 38,000.00	Training w/ MIOC/DHS - MAGLOCLLEN subscriptions	50/50 - TR/PL
Soft Targets/Crowded Places (7.443%) - 3% min.	\$ 59,726.30	Portable scene lighting & electronic signage	EQ
Combating Domestic Violent Extremism (3.115%) - 3% min.	\$ 25,000.00	Training w/ MIOC/DHS	TR
Community Preparedness & Resilience (3.489%) - 3% min.	\$ 28,000.00	NEW - Could be used for CERT programs	50/50 - TR/PL
Cybersecurity (11.215%) - not required	\$ 90,000.00	Assessments & enhancements	50/50 - PL/EQ
Election Security - not required	\$ -	Emerging Threats - RoIP (no longer supported)	
Total:	\$ 240,726.30		



Region 3 Homeland Security Planning Board



Homeland Security Grant Program (HSGP)
City of Midland, FY 2019-20 Fiduciary
District Health Dept #2, FY 2021 Fiduciary

Randy Miller, Chair
Jennifer Boyer, Vice Chair
Steven Anderson, Secretary
Melissa Upper, Planner/Fiduciary Agent

Alcona County
Scott Rice
Jim Smith

Arenac County
Michael Bowers
James Mosciski

Bay County
Ryan Manz
Kurt Corradi

Genesee County
Chris Metropoulos

Gladwin County
Bob North
Mike Shea

Huron County
Randy Miller
Debra McCollum

Iosco County
Sean Bowers
Chuck Allen

Lapeer County
Jeffrey Satkowski
Denny Fitzpatrick

Midland County
Jennifer Boyer
Cody Dorland

Ogemaw County
Michael Bowers

Oscoda County
Michael Bowers
Kevin Grace

Saginaw County
Mark Przybylski
Cari Hillman

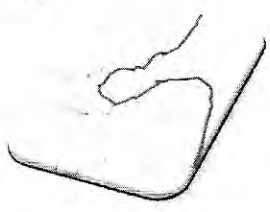
Sanilac County
Todd Hillman

Tuscola County
Steve Anderson

Region 3 HPN
Rob Kelly

Region 3 CCP
Richard Ripke

District 3 Coordinator
Lt. Charles Barker



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Michigan's Region 3
Homeland Security Planning Board (R3HSPB)
4155 Monitor Rd. (Bay-Arenac ISD Career Center)
Bay City, Michigan 48706

EVENT: R3HSPB DATE: 8/11/22

NAME	JURISDICTION
1. <u>Randy Miller</u>	<u>Huron</u>
2. <u>Charles Allen</u>	<u>Iosco</u>
3. <u>Jennifer Boyer</u>	<u>Midland</u>
4. <u>Cam Keller</u>	<u>MSP</u>
5. <u>[Signature]</u>	<u>Sanilac</u>
6. <u>Scott Rice</u>	<u>ALCONA.</u>
7. <u>Mike Bowers</u>	<u>Arenac Ogemaw Oscoda</u>
8. <u>Rob Kelly</u>	<u>Reg 3 HCC</u>
9. <u>[Signature]</u>	<u>R3 IM7 / MAD</u>
10. <u>Christopher C Lince</u>	<u>Reg 3 IMT / MFD</u>
11. <u>[Signature]</u>	<u>Tuscola</u>
12. <u>Melissa Clepper</u>	<u>R3</u>
13. <u>Jeffrey Satkowski</u>	<u>Lapeer County</u>
14. <u>Bob North</u>	<u>Gladwin County</u>
15. _____	_____



Region 3 Homeland Security Planning Board



Homeland Security Grant Program (HSGP)
City of Midland, FY 2019-20 Fiduciary
District Health Dept #2, FY 2021 Fiduciary

Randy Miller, Chair
Jeniffer Boyer, Vice Chair
Steven Anderson, Secretary
Melissa Upper, Planner/Fiduciary Agent

Alcona County
Scott Rice
Jim Smith

Arenac County
Michael Bowers
James Mosciski

Bay County
Ryan Manz
Kurt Corradi

Genesee County
Chris Metropoulos

Gladwin County
Bob North
Mike Shea

Huron County
Randy Miller
Debra McCollum

Iosco County
Sean Bowers
Chuck Allen

Lapeer County
Jeffrey Satkowski
Denny Fitzpatrick

Midland County
Jeniffer Boyer
Cody Dorland

Ogemaw County
Michael Bowers

Oscoda County
Michael Bowers
Kevin Grace

Saginaw County
Mark Przybylski
Cari Hillman

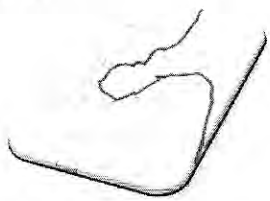
Sanilac County
Todd Hillman

Tuscola County
Steve Anderson

Region 3 HPN
Rob Kelly

Region 3 CCP
Richard Ripke


District 3 Coordinator
Lt. Charles Barker



Page 2 of 2

Michigan's Region 3
Homeland Security Planning Board (R3HSPB)
4155 Monitor Rd. (Bay-Arenac ISD Career Center)
Bay City, Michigan 48706

EVENT:	DATE:
R3HSPB	8/11/22
NAME	JURISDICTION
1. <i>[Signature]</i>	R3 IMT / MFI
2. Christopher C Lince	R3 IMT / MFD
3. C. Metropoulos	Genesee
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____

Michigan State Police Emergency Management and Homeland Security Division				Grant Agreement	
FEDERAL AWARD IDENTIFICATION					
SUBRECIPIENT NAME		GRANT NAME		ASSISTANCE LISTINGS NUMBER	
District Health Department #2		Fiscal Year 2022 Homeland Security Grant Program		97.067	
SUBRECIPIENT IRS/VENDOR NUMBER		FEDERAL AWARD IDENTIFICATION NUMBER (FAIN)		FEDERAL AWARD DATE	
38-1911267		EMW-2022-SS-00031-S01		9/2/2022	
SUBRECIPIENT UEI		SUBAWARD PERFORMANCE PERIOD		FROM TO	
NBUPML1KFH21				09/01/2022 05/31/2025	
RESEARCH & DEVELOPMENT		Funding		Total	
N/A		Federal Funds Obligated by this Action		\$772,477	
INDIRECT COST RATE		Total Federal Funds Obligated to Subrecipient		\$772,477	
None on file		Total Amount of Federal Award		\$772,477	
FEDERAL AWARD PROJECT DESCRIPTION					
Fiscal Year (FY) 2022 Homeland Security Grant Program (HSGP)					
DETAILS					
Funding requirements are found on page 2 (Section III) of the grant agreement.					
FEDERAL AWARDCING AGENCY			PASS-THROUGH ENTITY (RECIPIENT) NAME		
FEMA-GPD 400 C Street SW 3 rd floor Washington, DC 20472-3645			Michigan State Police, Emergency Management and Homeland Security Division PO Box 30634 Lansing, MI 48909		

State of Michigan Fiscal Year 2022 Homeland Security Grant Program Grant Agreement

September 1, 2022 to May 31, 2025

<p>Assistance Listings Number: 97.067 Grant Number: EMW-2022-SS-00031-S01</p>

This Fiscal Year (FY) 2022 Homeland Security Grant Program (HSGP) grant agreement is hereby entered into between the Michigan Department of State Police, Emergency Management and Homeland Security Division (MSP/EMHSD) (hereinafter called the Recipient), and the

DISTRICT HEALTH DEPARTMENT #2
(hereinafter called the Subrecipient)

I. Purpose

The FY 2022 HSGP supports state, local, and tribal efforts to prevent terrorism and other catastrophic events, and prepares the Nation for the threats and hazards that pose the greatest risk to the security of the United States. The FY 2022 HSGP provides funding to implement investments that enhance terrorism preparedness and serve to build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation.

The purpose of this grant agreement is to provide federal pass-through funds to the Region 3 Homeland Security Planning Board (hereinafter called the regional board) through the Subrecipient, which has been voted and approved to act as the Fiduciary Agent on behalf of the regional board for the FY 2022 HSGP.

The HSGP is comprised of three grant programs, one of which is covered by this grant agreement:

State Homeland Security Program (SHSP): The SHSP provides funds for state, local, and tribal preparedness activities that address high-priority preparedness gaps across all core capabilities where a nexus to terrorism exists. The SHSP supports implementation of the National Preparedness System (NPS) by providing funds to address planning, organization, equipment, training, and exercise needs to prevent, prepare for, protect against, and respond to acts of terrorism. Many capabilities which support terrorism preparedness simultaneously support preparedness for other hazards. Subrecipients must describe this dual-use quality for any activities implemented under this program that are not explicitly focused on terrorism preparedness.

Allowable activities must comply with the FY 2022 Homeland Security Grant Program Notice of Funding Opportunity and the FEMA Preparedness Grants Manual, both located at <http://www.fema.gov/homeland-security-grant-program>, align with Michigan's FY 2022 SHSP investments, support capability targets established in the Threat and Hazard Identification and Risk Assessment (THIRA) and gaps identified in the Stakeholder Preparedness Review (SPR), and align to projects specifically approved by the Recipient.

II. Statutory Authority

Funding for the FY 2022 HSGP is authorized by Section 2002 of the Homeland Security Act of 2002 (Pub. L. No. 107-296, as amended) (6U.S.C. § 603).

Appropriation authority is provided by the *Department of Homeland Security Appropriations Act, 2022* (Pub. L. No. 117-103).

The Subrecipient agrees to comply with all FY 2022 HSGP program requirements in accordance with the FY 2022 Homeland Security Grant Program Notice of Funding Opportunity and the FEMA Preparedness Grants Manual located at <http://www.fema.gov/homeland-security-grant-program>, the U.S. Department of Homeland Security (DHS) Standard Administrative Terms and Conditions located at https://www.dhs.gov/sites/default/files/202201/fy_2022_dhs_terms_and_conditions_version_2_dated_jan_24_2022_508.pdf, the FY 2022 HSGP Agreement Articles Applicable to Subrecipients included with the grant agreement packet, and the FY 2022 HSGP Michigan Supplemental Guidance provided electronically by Michigan State Police, Emergency Management and Homeland Security Division (MSP/EMHSD).

The Subrecipient shall also comply with the most recent version of:

1. 2 CFR, Part 200 of the Code of Federal Regulations (CFR), *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* located at <http://www.ecfr.gov>, select Title 2.
2. FEMA Directive 108-1: Environmental Planning and Historic Preservation Responsibilities and Program Requirements.

III. Award Amount and Restrictions

- A. The **District Health Department #2**, acting as the Fiduciary Agent on behalf of the Region 3 Board, is awarded **\$772,477** under the FY 2022 HSGP. The grant agreement shall be administered based on the Subrecipient's policies and procedures, provided they conform to state and federal rules, laws, and/or regulations.
- B. The FY 2022 HSGP covers eligible costs from September 1, 2022, to May 31, 2025.
- C. The HSGP funds may not be used to support the hiring of any personnel for the purposes of fulfilling traditional public health and/or safety duties or to supplant traditional public health and safety positions and/or responsibilities.
- D. At least **\$231,744** of award funds must be dedicated towards Law Enforcement Terrorism Prevention Activities (LETPA). Activities eligible for use of LETPA-focused funds are outlined in the National Prevention Framework (and where capabilities are shared with the protection mission area, the National Protection Framework) located at <http://www.fema.gov/national-planning-frameworks>. The Subrecipient must meet its minimum LETPA funding requirement for the FY 2022 HSGP.
- E. The FY 2022 HSGP includes six national priority areas. A minimum of 30% of the total allocation, or at least **\$231,744**, must be allocated between the six following national priority areas:
 - 1) Enhancing the protection of soft targets/crowded places;
 - 2) Enhancing information and intelligence sharing and cooperation with federal agencies, including DHS;
 - 3) Combating domestic violent extremism;
 - 4) Enhancing community preparedness and resilience;

- 5) Election Security;
- 6) Cybersecurity.

The priority areas of enhancing the protection of soft targets/crowded places, enhancing information and intelligence sharing and cooperation with federal agencies, combating domestic violent extremism, and enhancing community preparedness and resilience, must each be funded at a minimum of \$23,175, or 3% of the award amount. All national priority area projects must be pre-approved by FEMA. Additional information on the FY 2022 HSGP national priority areas can be found in the FEMA Preparedness Grants Manual <http://www.fema.gov/homeland-security-grant-program>.

- F. A maximum of **\$386,238** of award funds may be used for personnel and personnel-related activities as directed by the *Personnel Reimbursement for Intelligence Cooperation and Enhancement (PRICE) of Homeland Security Act of 2008* (Public Law 110-412). In general, the use of SHSP funding to pay for staff and/or contractor regular time or overtime/backfill is considered a personnel cost. Additional information on personnel costs is provided in the FEMA Preparedness Grants Manual located at <https://www.fema.gov/media-library/assets/documents/178291>.
- G. A maximum of five percent (5%) of awarded funds, **\$38,623**, may be retained and used solely for management and administration (M&A) purposes associated with the HSGP award. The M&A allowable costs are defined in the *FY 2022 Homeland Security Grant Program Notice of Funding Opportunity*, and the *FEMA Preparedness Grants Manual* located at <http://www.fema.gov/homeland-security-grant-program>.
- H. The Subrecipient may only fund projects which directly support one of the FY 2022 HSGP investments. To assist Subrecipients, the Recipient has developed the *FY 2022 HSGP Michigan Supplemental Guidance* to provide additional information on developing projects consistent with the *National Preparedness Goal*, state and regional homeland security priorities, and Michigan's FY 2022 SHSP investment justification.
- I. Except as otherwise specifically set forth in this grant agreement, the Recipient (not the Subrecipient) shall make the final determination on how funds awarded under this grant agreement are allocated and/or spent, from projects reviewed and approved by the regional board and submitted to the Recipient by the Subrecipient.
- J. For any activities involving construction, demolition, ground disturbance, or installations of equipment, an Environmental and Historic Preservation (EHP) review must be completed.
Any work started before receiving EHP approval will result in a non-compliance finding and not be eligible for federal funding.
- K. A portion of FY 2022 SHSP funds should be allocated toward sustainment of the Regional Response Team Network (RRTN) and search and rescue capabilities, where applicable. The Subrecipient should ensure that support is provided through appropriate planning, equipment, training, and exercise activities.
- L. In the event that the Department of Homeland Security (DHS) determines changes are necessary to the award document after an award has been made, including but not limited to changes to the period of performance or terms and conditions, Subrecipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate Subrecipient acceptance of the changes to the award.

IV. Responsibilities of the Subrecipient

- A. **Grant funds must supplement, not supplant, state or local funds.** Federal funds must be used to supplement existing funds, not replace (supplant) funds that have been appropriated for the same purpose. Potential supplanting will be carefully reviewed in subsequent monitoring reviews and audits. Subrecipients may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.
- B. Refer to the FY 2022 Homeland Security Grant Program Notice of Funding Opportunity and the FEMA Preparedness Grants Manual located at <http://www.fema.gov/homeland-security-grant-program> for a detailed list of allowable costs and program activities under this grant.
- C. The subrecipient shall not use FY 2022 HSGP funds to generate program income.
- D. In addition to this grant agreement, the Subrecipient shall complete, sign, and submit to the Recipient the following documents, which are incorporated by reference into this grant agreement:
1. Subrecipient Risk Assessment Certification;
 2. Standard Assurances;
 3. Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements;
 4. Audit Certification (EMD-053);
 5. Request for Taxpayer Identification Number and Certification (W-9);
 6. Other documents that may be required by federal or state officials.
- E. The Subrecipient agrees to act as the Fiduciary Agent on behalf of the regional board for the FY 2022 HSGP. The Subrecipient agrees to comply with all applicable federal and state regulations, including, but not limited to, the following:
1. Make all purchases in accordance with federal, and local purchasing policies. The Federal Procurement Procedure citations are found at 2 CFR 200.318-326, and Appendix II; and are located at <http://www.ecfr.gov>.
 2. The Subrecipient is required to submit reports to the Recipient on the status of all projects and funding. Reporting must follow the format and schedule specified by the Recipient.
 3. Submit regional board-approved projects to the Recipient in the format specified by the Recipient prior to starting a project. Individual solution area costs must also be submitted to the Recipient for alignment and allowability evaluation prior to starting a project. All grant expenditures must meet DHS and Recipient grant guidelines, must directly support one of the FY 2022 HSGP Investments, and must support at least one core capability from the National Preparedness Goal. Projects must be coordinated regionally and align to appropriate state and regional homeland security priorities. Any project that proposes a change in scope of work during the grant performance period must be resubmitted to the Recipient for evaluation. Any funds spent on a project prior to receiving Recipient approval may be ineligible for reimbursement.
 4. Create and maintain an inventory of all equipment purchases in accordance with 2 CFR, Part 200.313 located at <http://www.ecfr.gov>. Every calendar year, the Subrecipient must prepare an equipment inventory list and conduct a physical inventory that is reconciled to that list by June 30. The Subrecipient must supply a copy of this inventory to the Michigan State Police, Emergency Management and Homeland Security Division, Audit Unit via email at loaders@michigan.gov or by mail to P.O. Box 30634, Lansing, Michigan 48909. The physical

inventory must be submitted to the Audit Unit by July 31 of the same year the inventory is completed. An Equipment Tracking template is available to assist the Subrecipient in meeting these requirements. The template can be found on the MSP/EMHSD Grant Programs webpage at www.michigan.gov/emhsd or by emailing EMD_HSGP@michigan.gov.

5. If the Subrecipient purchases equipment for a local governmental unit with FY 2022 HSGP funds, the Subrecipient shall make the equipment available for pick-up by other local governmental units per equipment assignments by the regional board. This process needs to include legal transfer of the equipment to the designated local governmental units. At minimum, the Subrecipient should prepare documents, which, when signed, will indicate other designated local governmental units accept full legal and financial responsibility for the pieces of equipment.
6. The Subrecipient agrees to prepare and submit reimbursement requests to the Recipient in a timely manner. Reimbursement requests must include all required supporting documentation, including proof of payment. All reimbursement requests must be submitted to the Recipient no later than 30 days after the end of the performance period identified in this grant agreement. Any remaining balance of funds by that date will be reallocated.
7. Current forms and instructions are located at <http://www.michigan.gov/emhsd>, or can be requested by sending an email to EMD_HSGP@michigan.gov.
8. Comply with applicable financial and administrative requirements set forth in the current edition of 2 C.F.R., Part 200, including, but not limited to, the following provisions:
 - a. Account for receipts and expenditures, maintain adequate financial records, and refund expenditures disallowed by federal or state audit.
 - b. Retain all financial records, statistical records, supporting documents, and other pertinent materials for at least three years after the grant is closed by the awarding federal agency for purposes of federal and/or state examination and audit.
 - c. Retain all financial records, statistical records, supporting documents, and other pertinent materials for equipment purchases for three years after their disposition.
 - d. Non-federal organizations which expend \$750,000 or more in federal funds from all federal sources during their current fiscal year are required to have an audit performed in accordance with the Single Audit Act of 1984, as amended, and the requirements of the Government and Accountability Office's (GAO) Government Auditing Standards and Subpart F of 2 C.F.R., Part 200.
 - e. All equipment dispositions must follow MSP/EMHSD's equipment disposition policy.
9. Comply with National Incident Management System (NIMS) requirements to be eligible to receive federal preparedness funds. NIMS information is available at <http://www.fema.gov/national-incident-management-system>.
10. Subrecipients must carry out their programs and activities in a manner that respects and ensures the protection of civil rights for protected populations. These populations include but are not limited to individuals with disabilities and others with access and functional needs, individuals with limited English proficiency, and other diverse racial and ethnic populations, in accordance with Section 504 of the *Rehabilitation Act of 1973*, Title VI of the *Civil Rights Act of 1964*, and Executive Order 13347.
11. **Environmental and Historic Preservation Compliance.** The federal government is required to consider the effects on the environment and/or historic properties of any federally funded activities and programs, including grant-funded projects. The EHP process ensures that federally funded activities comply with federal EHP regulations, laws, and executive orders as applicable. The goal of these compliance requirements is to protect the nation's

environmental, historic, and cultural resources. The Subrecipient shall not undertake any project having the potential to impact EHP resources without prior approval. Any work started before receiving EHP approval will result in a non-compliance finding and not be eligible for federal funding.

12. Comply with the *Davis-Bacon Act* (40 U.S.C. 3141 *et seq.*) for grant-funded construction projects. The Subrecipient must ensure that contractors or subcontractors for construction projects pay workers employed directly at the work-site no less than the prevailing wages and fringe benefits paid on projects of a similar character. Davis-Bacon wage determinations are published on the Wage Determinations Online website at <https://www.sam.gov>.
13. Comply with all reporting requirements, including special reporting, data collection, and evaluation requirements, as prescribed by law or program guidance.
14. Maintain a valid Unique Entity Identifier (UEI) through SAM.gov at all times during the performance period of this grant.
15. The Subrecipient must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. The Subrecipient also agrees to require any subrecipients, contractors, successors, transferees, and assignees to acknowledge and agree to comply with these same provisions. Detailed information on record access provisions can be found in the *DHS Standard Administrative Terms and Conditions* located at https://www.dhs.gov/sites/default/files/2022-01/fy_2022_dhs_terms_and_conditions_version_2_dated_jan_24_2022_508.pdf.

V. Responsibilities of the Recipient

The Recipient, in accordance with the general purposes and objectives of this grant agreement, will:

- A. Administer the grant in accordance with all applicable federal and state regulations and guidelines and submit required reports to the awarding federal agency.
- B. Provide direction and technical assistance to the Subrecipient.
- C. Provide to the Subrecipient any special report forms and reporting formats (templates) required for administration of the program.
- D. Reimburse the Subrecipient, in accordance with this grant agreement, based on appropriate documentation submitted by the Subrecipient.
- E. At its discretion, independently, or in conjunction with the federal awarding agency, conduct random on-site reviews of the Subrecipient(s).

VI. Reporting Procedures

The Subrecipient is required to submit reports to the Recipient on the status of all projects and funding. Reporting must follow the format and schedule specified by the Recipient. Current forms and instructions are located at <http://www.michigan.gov/emhsd>, or can be requested by sending an email to EMD_HSGP@michigan.gov.

Reporting on funding status is mandated by the federal government. Failure by the Subrecipient to fulfill reporting requirements, in compliance with federal grant rules, shall result in the suspension of grant funding until reports are received and may jeopardize future federal funding.

VII. Payment Procedures

The Subrecipient agrees to prepare and submit the Reimbursement Cover Sheet (EMD-054) with all required supporting documentation attached, including proof of payment. The Subrecipient will submit one Reimbursement Cover Sheet and related forms for each grant project, solution area, allocation type, and individual exercise. Reimbursement Cover Sheets must be filled out completely. Instructions are provided with each of the reimbursement forms. The Reimbursement Cover Sheet and other reimbursement forms can be found on the MSP/EMHSD website located at <http://www.michigan.gov/emhsd>. The Subrecipient will not be reimbursed for funds until all required signed documents and reimbursement documentation are received. All reimbursement requests must be submitted to the Recipient no later than 30 days after the end of the performance period identified in this grant agreement. Funds which are not encumbered or do not have pending reimbursement requests by that date will be reallocated.

Drawdown of Funds in Advance. Up to 90 days prior to expenditure, the Subrecipient may request funds for purchases of \$10,000 or more. All of the following requirements must be met when requesting advanced funds:

- A. The Subrecipient must submit advance requests with a copy of approved purchase orders and a copy of approved Alignment and Allowability Forms.
- B. The Subrecipient must place advanced funds in an interest-bearing account.
- C. The Subrecipient may retain interest up to \$500 per year (2 CFR, Part 200.305) for administrative expenses incurred for all federal grants combined.
- D. The Subrecipient must notify the Recipient quarterly, in writing, of any interest earned over \$500.
- E. The Subrecipient must remit any interest earned over \$500 promptly, and at least quarterly, to: Michigan State Police, Emergency Management and Homeland Security Division, Grants and Financial Management Section, P.O. Box 30634, Lansing, Michigan, 48909.
- F. The Subrecipient must liquidate each advance by the date specified by the Recipient (usually within 90 days).
- G. The Subrecipient must ensure all invoices and proof of payment documents are dated after the date the advance was issued by the Recipient.

VIII. Employment Matters

The Subrecipient shall comply with Title VI of the *Civil Rights Act of 1964*, as amended; Title VIII of the *Civil Rights Act of 1968*; Title IX of the *Education Amendments of 1972 (Equal Opportunity in Education Act)*; the *Age Discrimination Act of 1975*; Titles I, II and III of the *Americans with Disabilities Act of 1990*; the *Elliott-Larsen Civil Rights Act*, 1976 PA 453, as amended, MCL 37.2101 *et seq.*; the *Persons with Disabilities Civil Rights Act*, 1976 PA 220, as amended, MCL 37.1101 *et seq.*, and all other federal, state and local fair employment practices and equal opportunity laws and covenants. The Subrecipient shall not discriminate against any employee or applicant for employment, to be employed in the performance of this grant agreement, with respect to his or her hire, tenure, terms, conditions, or privileges of employment; or any matter directly or indirectly related to employment because of his or her race, religion, color, national origin, age, sex, height, weight, marital status, limited English proficiency, or handicap that is unrelated to the individual's ability to perform the duties of a particular job or position. The Subrecipient agrees to include in every subcontract entered into for the performance of this grant agreement this covenant not to discriminate in employment. A breach of this covenant is a material breach of the grant agreement.

The Subrecipient shall ensure that no subcontractor, manufacturer, or supplier of the Subrecipient for projects related to this grant agreement appears on the Federal Excluded Parties List System located at <https://www.sam.gov>.

IX. Limitation of Liability

The Recipient and the Subrecipient to this grant agreement agree that each must seek its own legal representative and bear its own costs, including judgments, in any litigation that may arise from performance of this contract. It is specifically understood and agreed that neither party will indemnify the other party in such litigation.

This is not to be construed as a waiver of governmental immunity for either party.

X. Third Parties

This grant agreement is not intended to make any person or entity, not a party to this grant agreement, a third party beneficiary hereof or to confer on a third party any rights or obligations enforceable in their favor.

XI. Grant Agreement Period

This grant agreement is in full force and effect from September 1, 2022, to May 31, 2025. No costs eligible under this grant agreement shall be incurred before the starting date of this grant agreement, except with prior written approval. This grant agreement may be terminated by either party by giving 30 days written notice to the other party stating reasons for termination and the effective date, or upon the failure of either party to carry out the terms of the grant agreement. Upon any such termination, the Subrecipient agrees to return to the Recipient any funds not authorized for use, and the Recipient shall have no further obligation to reimburse the Subrecipient. Upon termination of grant agreement, the Subrecipient shall submit documentation, in a format specified by the Recipient, to formally end its status as Fiduciary Agent.

XII. Entire Grant Agreement

This grant agreement is governed by the laws of the State of Michigan and supersedes all prior agreements, documents, and representations between the Recipient and the Subrecipient, whether expressed, implied, or oral. This grant agreement constitutes the entire agreement between the parties and may not be amended except by written instrument executed by both parties prior to the grant end date. No party to this grant agreement may assign this grant agreement or any of his/her/its rights, interest, or obligations hereunder without the prior consent of the other party. The Subrecipient agrees to inform the Recipient in writing immediately of any proposed changes of dates, budget, or services indicated in this grant agreement, as well as changes of address or personnel affecting this grant agreement. Changes in dates, budget, or services are subject to prior written approval of the Recipient. If any provision of this grant agreement shall be deemed void or unenforceable, the remainder of the grant agreement shall remain valid.

The Recipient may suspend or terminate grant funding to the Subrecipient, in whole or in part, or other measures may be imposed for any of the following reasons:

- A. Failure to expend funds in a timely manner consistent with the grant milestones, guidance, and assurances.
- B. Failure to comply with the requirements or statutory objectives of federal or state law.
- C. Failure to follow grant agreement requirements or special conditions.
- D. Proposal or implementation of substantial plan changes to the extent that, if originally submitted, the project would not have been approved for funding.
- E. Failure to submit required reports.
- F. Filing of a false certification in the application or other report or document.
- G. Failure to adequately manage, monitor or direct the grant funded activities of its subrecipients.

Before taking action, the Recipient will provide the Subrecipient reasonable notice of intent to impose corrective measures and will make every effort to resolve the problem informally.

XIII. Business Integrity Clause

The Recipient may immediately cancel the grant without further liability to the Recipient or its employees if the Subrecipient, an officer of the Subrecipient, or an owner of a 25% or greater share of the Subrecipient is convicted of a criminal offense incident to the application for or performance of a state, public, or private grant or subcontract; or convicted of a criminal offense, including, but not limited to any of the following: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, attempting to influence a public employee to breach the ethical conduct standards for State of Michigan employees; convicted under state or federal antitrust statutes; or convicted of any other criminal offense which, in the sole discretion of the Recipient, reflects on the Subrecipient's business integrity.

XIV. Freedom of Information Act (FOIA)

Much of the information submitted in the course of applying for funding under this program, or provided in the course of grant management activities, may be considered law enforcement-sensitive or otherwise critical to national security interests. This may include threat, risk, and needs assessment information; and discussions of demographics, transportation, public works, and industrial and public health infrastructures. Therefore, each Subrecipient agency Freedom of Information Officer will need to determine what information is to be withheld on a case-by-case basis. The Subrecipient should be familiar with the regulations governing Protected Critical Infrastructure Information (6 CFR, Part 29) and Sensitive Security Information (49 CFR, Part 1520), as these designations may provide additional protection to certain classes of homeland security information.

XV. Official Certification

For the Subrecipient

The individual or officer signing this grant agreement certifies by his or her signature that he or she is authorized to sign this grant agreement on behalf of the organization he or she represents. The Subrecipient agrees to complete all requirements specified in this grant agreement.

District Health Department No 2
Subrecipient Name

NBU?ML1 KFH22
Subrecipient's UEI

Denise M. Bryan, MPA
Printed Name

Health Officer
Title

Denise M. Bryan
Signature

11-17-2022
Date

For the Recipient (Michigan State Police, Emergency Management and Homeland Security Division)

Capt. Kevin Sweeney
Printed Name

Commander, Emergency
Management and Homeland Security Division
Title

[Signature]
Signature

September 26, 2022
Date

For the Regional Board

The Regional Board Chair's signature appears on this grant agreement as a certification that the Region 3 Homeland Security Planning Board has chosen the District Health Department #2 to act as the Fiduciary Agent on behalf of the regional board for the FY 2022 HSGP.

Randy Miller
Printed Name

Regional Board Chair
Title

[Signature]
Signature

11-22-22
Date

Agreement Articles Applicable to Subrecipients Fiscal Year 2022 Homeland Security Grant Program

Article I - DHS Standard Terms and Conditions Generally

The Fiscal Year (FY) 2022 U.S. Department of Homeland Security (DHS) Standard Terms and Conditions apply to all new federal financial assistance awards funded in FY 2022. These terms and conditions flow down to subrecipients unless an award term or condition specifically indicates otherwise. The United States has the right to seek judicial enforcement of these obligations. The FY 2022 DHS Standard Terms and Conditions will be housed on dhs.gov at www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions.

Article II - General Acknowledgment and Assurances

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

I. Subrecipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS.

II. Subrecipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel.

III. Subrecipients must submit timely, complete, and accurate reports to the recipient and maintain appropriate backup documentation to support the reports.

IV. Subrecipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance.

Article III - John S. McCain National Defense Authorization Act of Fiscal Year 2019

Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. sections 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute - as it applies to DHS recipients, subrecipients, and their contractors and subcontractors - prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

Article IV - Limited English Proficiency (Civil Rights Act of 1964 - Title VI)

Subrecipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. section 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that subrecipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

Article V - Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

Recipients and subrecipients must comply with the Build America, Buy America Act (BABAA), which was enacted as part of the Infrastructure Investment and Jobs Act Sections 70901-70927, Pub. L. No. 117-58 (2021); and Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers. See also Office of Management and Budget (OMB), Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.

Recipients and subrecipients of federal financial assistance programs for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

(1) All iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(2) All manufactured products used in the project are produced in the United States--this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

(3) All construction materials are manufactured in the United States--this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

Waivers

When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements.

(a) When the federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that:

- (1) Applying the domestic content procurement preference would be inconsistent with the public interest;
- (2) The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- (3) The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the OMB Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described. For awards by the Federal Emergency Management Agency (FEMA), existing waivers are available and the waiver process is described at "[Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov](#). For awards by other DHS components, please contact the applicable DHS FAO.

To see whether a particular DHS federal financial assistance program is considered an infrastructure program and thus required to include a Buy America preference, please either contact the applicable DHS FAO, or for FEMA awards, please see [Programs and Definitions: Build America, Buy America Act | FEMA.gov](#).

Article VI - Environmental Planning and Historic Preservation (EHP) Review

The DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the subrecipient to comply with all federal, state, and local laws.

The DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/ FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies.

If ground disturbing activities occur during construction, subrecipient will monitor ground disturbance, and if any potential archeological resources are discovered the subrecipient will immediately cease work in that area and notify the recipient, if applicable, and DHS/FEMA.

Article VII - Applicability of DHS Standard Terms and Conditions to Tribes

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to subrecipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

Article VIII - Indirect Cost Rate

2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.

Article IX - Activities Conducted Abroad

Subrecipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Article X - Reporting of Matters Related to Subrecipient Integrity and Performance

If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the Subrecipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

Article XI - Trafficking Victims Protection Act of 2000 (TVPA)

Trafficking in Persons:

Subrecipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. section 7104. The award term is located at 2 C.F.R. section 175.15, the full text of which is incorporated here by reference.

Article XII - Federal Leadership on Reducing Text Messaging while Driving

Subrecipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in Executive Order (EO) 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.

Article XIII - Debarment and Suspension

Subrecipients are subject to the non-procurement debarment and suspension regulations implementing EO 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

Article XIV - Fly America Act of 1974

Subrecipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. section 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. section 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

Article XV - Americans with Disabilities Act of 1990

Subrecipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. sections 12101-12213), which prohibits Subrecipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

Article XVI - Duplication of Benefits

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude Subrecipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

Article XVII - Copyright

Subrecipients must affix the applicable copyright notices of 17 U.S.C. sections 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

Article XVIII - Civil Rights Act of 1968

Subrecipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284, as amended through Pub. L. 113-4, which prohibits Subrecipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. section 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units-i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)-be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

Article XIX - Best Practices for Collection and Use of Personally Identifiable Information

Subrecipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. The DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Subrecipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources, respectively.

Article XX - Civil Rights Act of 1964, Title VI

Subrecipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. section 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

Article XXI - Hotel and Motel Fire Safety Act of 1990

Subrecipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. section 2225a.

Article XXII - Disposition of Equipment Acquired Under the Federal Award

For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state subrecipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state subrecipients must follow the disposition requirements in accordance with state laws and procedures.

Article XXIII - Patents and Intellectual Property Rights

Subrecipients are subject to the Bayh-Dole Act, 35 U.S.C. section 200 et seq, unless otherwise provided by law. Subrecipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. section 401.14.

Article XXIV - Procurement of Recovered Materials

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. section 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Article XXV - Terrorist Financing

Subrecipients must comply with EO 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Subrecipients are legally responsible to ensure compliance with the Order and laws.

Article XXVI - Prior Approval for Modification of Approved Budget

Before making any change to the FEMA approved budget for this award, you must request prior written approval where required by 2 C.F.R. section 200.308.

For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs,

functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved.

For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers between the two types of work.

Article XXVII - Acknowledgement of Federal Funding from DHS

Subrecipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

Article XXVIII - Acceptance of Post Award Changes

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, Subrecipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate Subrecipient acceptance of the changes to the award.

Article XXIX - Rehabilitation Act of 1973

Subrecipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (1973), (codified as amended at 29 U.S.C. section 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article XXX - False Claims Act and Program Fraud Civil Remedies

Subrecipients must comply with the requirements of the False Claims Act, 31 U.S.C. sections 3729-3733, which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. sections 3801-3812, which details the administrative remedies for false claims and statements made.)

Article XXXI - Nondiscrimination in Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Subrecipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

Article XXXII - Lobbying Prohibitions

Subrecipients must comply with 31 U.S.C. section 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the Subrecipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

Article XXXIII - Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX

Subrecipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. No. 92-318 (1972) (codified as amended at 20 U.S.C. section 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. The DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

Article XXXIV - Age Discrimination Act of 1975

Subrecipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, section 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

Article XXXV - National Environmental Policy Act

Subrecipients must comply with the requirements of the National Environmental Policy Act of 1969 (NEPA), Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. section 4321 et seq.) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require Subrecipients to use all practicable means within their authority, and consistent with other essential considerations of national

policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

Article XXXVI - Assurances, Administrative Requirements, Cost Principles, Representations and Certifications

The DHS financial assistance Subrecipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances - Non-Construction Programs, or OMB Standard Form 424D Assurances - Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Subrecipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200, and adopted by DHS at 2 C.F.R. Part 3002.

Article XXXVII - USA PATRIOT Act of 2001

Subrecipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), Pub. L. No. 107-56, which amends 18 U.S.C. sections 175-175c.

Article XXXVIII - Non-Supplanting Requirement

Subrecipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

Article XXXIX - Drug-Free Workplace Regulations

Subrecipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the Subrecipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. sections 8101-8106).

Article XL - Universal Identifier and System of Award Management

Requirements for System for Award Management and Unique Entity Identifier Subrecipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

Article XLI - Energy Policy and Conservation Act

Subrecipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. No. 94- 163 (1975) (codified as amended at 42 U.S.C. section 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

Article XLII - Whistleblower Protection Act

Subrecipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C section 2409, 41 U.S.C. section 4712, and 10 U.S.C. section 2324, 41 U.S.C. sections 4304 and 4310.

Article XLIII - Federal Debt Status

All Subrecipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

Article XLIV - Use of DHS Seal, Logo and Flags

Subrecipients must obtain permission from DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Article XLV - Notice of Funding Opportunity Requirements

All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All Subrecipients must comply with any such requirements set forth in the program NOFO.

Article XLVI - SAFECOM

Subrecipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.



Region 3 FY 2022 Homeland Security Grant Program

Equipment Ownership Agreement

Federal Award #97.067 Grant #EMW-2022-SS-00031-S01

The following equipment was purchased by _____ (JURISDICTION) and reimbursed with FY 2022 Homeland Security Grant Program (HSGP) funds.

Item Description	Acquisition Cost	Qty	Serial/Model #	Location Where Equipment Is Stored

**Attach a separate list if more space is needed. Total Project cost: _____ Total Reimbursed by HSGP: _____

JURISDICTION understands that this equipment has been funded with 2022 HSGP funds and agrees to the following:

- 1) Equipment will be used in accordance with 2022 HSGP Notice of Funding Opportunity guidance.
- 2) **JURISDICTION** is responsible for any costs, fines, or fees associated with misuse or ineligible use of equipment.
- 3) Equipment must be kept to current national standards for readiness. Costs for insurance, title, license, maintenance, repairs, and other costs of use will be the responsibility of **JURISDICTION**.
- 4) Equipment will be prominently marked as "Purchased with HSGP funds."
- 5) **JURISDICTION** must complete disposition paperwork with EMHSD before any HSGP-funded equipment can be sold, transferred, or otherwise disposed of. All equipment documentation must be maintained for at least 3 years following the date of disposition.
- 6) Any equipment intended to be transferred out of Region 3 must first have the approval of the R3HSPB.
- 7) The cost of the equipment will be listed on **JURISDICTION'S** Schedule of Expenditures of Federal Awards (SEFA).
- 8) Equipment will be made available upon request to State and Federal auditors.
- 9) It is understood that the equipment is a regional asset and must be made available to other Region 3 agencies if requested and available. Only trained operators will use this piece of equipment.
- 10) **JURISDICTION** is bound to all terms and conditions specified in the 2022 HSGP Subrecipient Agreement.

By accepting this equipment, **JURISDICTION** accepts sole responsibility for the equipment and agrees to return funds if equipment is discovered to be used improperly or determined not eligible by State or Federal Auditors.

The individual or officer signing this agreement certifies by his or her signature that he or she is authorized to sign this agreement on behalf of the jurisdiction he or she represents. The individual signing below certifies that the equipment received is in good order and meets the required specifications.

Jurisdiction

Mailing Address

Printed Name of Jurisdictional Representative

Title

Signature, Jurisdictional Representative

Date

Signature, Melissa D. Upper (Region 3 Fiduciary Agent)

Date

**Region 3 FY 2022 Homeland Security Grant Program
Transfer of Ownership Agreement**

This page is reserved for use by the **JURISDICTION** for Transfer of Ownership down to the equipment user. This section is hereby referred to as the "Transfer of Ownership Agreement."

This Transfer of Ownership Agreement should be attached to the Equipment Ownership Agreement and an Invoice of Referenced Equipment when the entity signing the Equipment Ownership Agreement is not the actual user of the equipment.

The individual or official executing this Transfer of Ownership Agreement certifies that by his/her signature he/she is authorized to sign this Transfer of Ownership Agreement and bind the user of the equipment to the same terms and conditions of the Equipment Ownership Agreement.

This Transfer of Ownership Agreement (TOA) is executed by

_____ (**JURISDICTION**) on _____ (Date)

Make/Model of Equipment: _____

Serial Number(s): _____

Jurisdiction Receiving Equipment: _____

Printed Name of Individual Receiving Equipment: _____

Organization: _____

Address: _____

Phone: _____

Email: _____

Location Where Equipment Will Be Stored, (if different than above): _____

Signature of individual receiving equipment

Date

Rightway Remediation LLC

4407 Center St., Saginaw, MI 48604

Phone 989.600.0055 Fax 989.401.5353 email officerrightway@gmail.com

June 22, 2023

Tuscola County

Quote

Site: 171 N State, Caro, Mi

Scope of work: Set up regulated area, Decon area and remove and/or encapsulate

Remove ACM materials: Transite & floor tile \$5,600.00

Clearance \$300.00

All Federal Rules & Regulations will be followed.

Payment upon Completion TOTAL: \$5,900.00

Please indicate your acceptance of this quote and payment terms by signing below.

Authorized Signature _____

Date _____



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Legislative Update 6-16-23

WRITTEN BY [DEREK MELOT](#) ON JUNE 16, 2023. POSTED IN [BLOG](#), [EVENTS](#), [LEGISLATIVE](#), [MAC NEWS](#), [MACSC](#), [MARKETING](#), [NACO](#)

County voices needed to push revenue sharing reform over finish line

A long-running effort to create a dedicated source of dollars for local revenue sharing is nearing fruition, but MAC needs your voice to help us push the Legislature to final enactment.

This plan, developed by MAC in concert with local governments, would:

- Create a separate “Revenue Sharing Trust Fund” to receive and hold dollars solely for the purpose of fulfilling the state’s promise to local governments on revenue sharing;
- Require that 8 percent of the revenue generated by 4 percentage points of the state’s sales tax rate go into the fund; and
- Result in \$591 million in statutory revenue sharing for all local governments across Michigan.



Counties would receive 46.14 percent of this total in the first year, \$273 million, which would be an increase of nearly \$27 million from the current total.

The plan also includes a one-time public safety investment of nearly \$22 million, of which counties would get \$10 million.

MAC has long sought to create stability and fairness in the revenue sharing system by removing the statutory portion of it from the annual appropriations process and by designating a steady revenue source.

By using a portion of the sales tax for a dedicated fund, this proposal meets both those key goals, and it allows for sure, steady growth in funding as long as sales tax collections remain consistently healthy.

These reforms are incorporated into two sets of bills, **House Bills 4274–75 and Senate Bills 229–230**. Using the link below, please send your message of support for these measures to your legislators TODAY!

[Click here to send your message of support.](#)

MAC, allies continue to stave off attack on local control

Legislation that would attack the principle of local control remains bottled up in a House committee this week in the face of fierce opposition by MAC and others.

House Bills 4526-28 would eliminate local regulation of sand and gravel mining operations and were given a second hearing in the House Regulatory Reform Committee, this time to consider changes catering to requests from state officials.



Following the first committee hearing in May, the Department of Environment, Great Lakes and Energy (EGLE) submitted a list of recommendations to bill sponsors, the majority of which were incorporated in the version before the committee this week. EGLE remains neutral on the package, however. although the changes were designed to make it easier for the department to administer the new program.

MAC remains opposed to HBs 4526-28, as locals have largely been excluded from negotiations and their needs have not been considered by bill sponsors.

The aggregate and construction industry will continue to advocate for these bills, although it remains unclear when they will be voted out of committee and brought to the House floor for consideration.

If you haven't done so yet, please use MAC's digital [Advocacy Center](#) to send an email of opposition to your state representative.

For more information on this issue, contact Madeline Fata at fata@micounties.org.

Election reform implementation advances in Legislature

Legislation implementing Proposal 2 of 2022, effectively overhauling Michigan's election system, has advanced. Senate Bills 367-374 and House Bills 4695-4702 were introduced last week to codify changes that 60 percent of Michigan voters supported last November, including at least nine days of early voting. Both bill packages passed their respective chambers on Wednesday.



The Senate package, led by Sen. Jeremy Moss (D-Oakland), passed 22-16, while the House version, led by Rep. Penelope Tsernoglou (D-Ingham), was approved 56-53.

Aside from early voting, the package includes measures for being added to the permanent absent voter list, prepaid postage for absent voter ballots, expanding access to ballot drop boxes and increasing precinct sizes.

MAC supported SB 367 and HB 4695 in committees on Tuesday, both allowing municipal clerks to jointly conduct elections with other municipalities or with their county clerk. Pooling staff and other resources can make elections more efficient and cost effective given the new circumstances.

MAC also supported SB 372, by Sen. Darrin Camilleri (D-Wayne), and **HB 4697**, Rep. Matt Koleszar (D-Wayne), which require each municipality to have at least one absent voter drop box per 15,000 registered electors. The state will be responsible for supplying and installing these drop boxes. MAC did not take a position on the remaining bills in each package.

It remains unclear how much funding will be allocated for implementing the changes. Appropriations subcommittee chairs received their final targets this week and fiscal year 2024 budget negotiations are ongoing. We anticipate the final version of the budget later this month.

For more information on this issue, contact Madeline Fata at fata@micounties.org.

Justice commission bills pass without county representation

As a funding unit and key administrative piece of local criminal justice, counties should have representation on a state commission to study criminal justice reform.

This week, however, the House passed House Bills 4173 and 4384, by Reps. Abraham Aiyash (D-Wayne) and Luke Meerman (R-Ottawa) respectively, and the Senate Judiciary Committee passed Senate Bills 376 and 377, by Sens. Stephanie Chang (D-Wayne) and Ed McBroom (R-Dickinson) respectively, that would create a state panel to study that issue that excludes county commissioner membership.



The packages are identical, with the intent to create a Criminal Justice Policy Commission and detail who will serve on it. Under the original version of HB 4173, MAC was to submit a list of three names and one of the submitted names would be selected by the governor to serve on the commission. MAC had a member on a previous commission that operated from 2015 to 2019.

However, the current version of HB 4173, and the Senate package, do not include a MAC representative on the commission. **Therefore, MAC is opposing HB 4173 and SB 376.**

Given a county's role as the funding unit, and its fiduciary responsibilities to jails, sheriff's offices and prosecutor's offices, it is imperative that counties have a voice, MAC Governmental Affairs Associate Samantha Gibson testified last week.

In SB 377 and HB 4384, the commission would be tasked with submitting a prison and jail impact report relating to any modifications to sentencing guidelines, including any impact on state and local correctional facilities. There are also indirect costs associated with the bills, depending on decisions made by the commission. Costs could increase or decrease, depending on changes made to sentencing guidelines. The potential for financial burdens imposed by the state onto county jails is of great concern to MAC. A county voice is crucial on the commission.

Despite the current refusal from legislators to include county commissioners on the commission, MAC will continue to press for such representation.

For more information on this issue, contact Samantha Gibson at gibson@micounties.org.

Governmental immunity concerns, budget news featured in podcast

The Democratic majority in the Legislature moves another step closer to an FY24 state budget, a huge package of election bills have been filed and counties need to be worried about new legislation stemming out of the Nassar scandal at Michigan State University, the Podcast 83 team noted in a new episode.



Director of Governmental Affairs Deena Bosworth, sitting in as host for Executive Director Stephen Currie, led MAC's Madeline Fata and Samantha Gibson through all the events in Lansing over the last week. This includes:

- Governmental immunity: MAC is opposing House Bill 4486, part of a large package to alter the statute of limitations on criminal sexual conduct and sexual misconduct, because it holds local governments and other public entities to higher standards for employee reviews than other employers, Gibson explained. Under HB 4486, county boards of commissioners would be held liable for the hiring decisions of other countywide elected officials, despite having no direct involvement in these hiring decisions.
- Elections: Fata provided an overview of House and Senate packages written to implement the early voting and other provisions adopted by Michigan voters via Proposal 2 last fall. Not

surprisingly, the sticking point is money, specifically what the state is going to do to aid county and local clerks with new requirements.

- Criminal Justice Policy Commission: Gibson explained the current version of the enabling legislation still leaves county boards out.
- State budget: After closed-door negotiations, Democratic appropriators have their spending “targets” to complete the fiscal 2024 state budget, Bosworth reported. If expected plans materialize, counties would see a substantial increase in revenue sharing for the coming year.

View the full video of the episode, recorded on June 12, [by clicking here](#).

Previous episodes can be seen at [MAC’s YouTube Channel](#).

And you always can find details about Podcast 83 [on the MAC website](#).

MAC to observe Juneteenth holiday on Monday

MAC’s Lansing offices will be closed on Monday, June 19 to observe the Juneteenth holiday.



The Legislature voted this week to make Juneteenth a state holiday in wake of Gov. Gretchen Whitmer issuing a proclamation in 2022 for a Juneteenth holiday for state and court employees.

MAC’s offices will reopen on Tuesday, June 20 at 8 a.m.

Staff picks

- [From recovery to revitalization: How local leaders are unlocking the potential of the American Rescue Plan](#) (Brookings Institution)
- [Manistee County receives federal grant to reroute railroad](#) (Ludington Daily News)
- [Wayne County juvenile jail to add on-site therapy services, mental health program](#) (Detroit Free Press)
- [Kinship care support group coming to Benzie, Manistee counties](#) (Manistee News)





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Legislative Update 6-23-23

WRITTEN BY [DEREK MELOT](#) ON JUNE 23, 2023. POSTED IN [BLOG](#), [EVENTS](#), [LEGISLATIVE](#), [MAC NEWS](#), [MACSC](#), [MARKETING](#), [NACO](#)

MAC continues push on Revenue Sharing Trust Fund legislation

“Revenue sharing is an unrestricted revenue source that local units of government use for the services that they need ...

What we’re trying to accomplish here is to have some growth entered into the formula.”

So explained MAC’s Deena Bosworth to the House Committee

on Local Government and Municipal Finance this week about bills that would create a dedicated source of dollars for local revenue sharing. Substitute versions of the original legislation were adopted in the committee prior to joint testimony given by MAC, the Michigan Municipal League and the Michigan Townships Association. ([Click here to view](#) Bosworth’s testimony, which begins at the 20:20 mark.)

House Bills [4274](#), by Rep. Amos O’Neal (D-Saginaw), and [4275](#), by Rep. Mark Tisdel (R-Oakland), would:



- Create a separate “Revenue Sharing Trust Fund” to receive and hold dollars solely for the purpose of fulfilling the state’s promise to local governments on revenue sharing;
- Require that 8 percent of the revenue generated by 4 percentage points of the state’s sales tax rate be directed into the fund; and
- Result in \$601.1 million in statutory revenue sharing for all local governments across Michigan based on the May Consensus Revenue Estimate for sales tax.

Counties would receive 46.14 percent of this total in the first year, \$277 million, which would be an increase of nearly \$31 million from the current total.

MAC has long sought to create stability and fairness in the revenue sharing system by removing the statutory portion of it from the annual appropriations process and by designating a steady revenue source.

The bills did not receive a vote this week, and it is currently unclear if the Legislature will include these amounts and calculations in the state’s fiscal 2024 budget, which is expected to be completed early next week.

MAC has a digital advocacy campaign under way in support of these reforms and encourages all county commissioners to utilize this communication tool to notify your legislators of your support for the policy.

For more information on this issue, contact Deena Bosworth at bosworth@micounties.org.

Lawmakers study Public Safety Trust Fund concept

Bills that would carve out 1.5 percent of the first 4 percentage points of the state sales tax and dedicate that revenue to public safety departments within municipalities with high crime rates were up for testimony this week in the House Committee on Local Government and Municipal Finance.

House Bill 4605, by Rep. Nate Shannon (D-Macomb), and HB 4606, by Rep.

Alabas Farhat (D-Wayne), would yield about \$110 million for city and township police departments based on a three-year average of violent crime rates and be disbursed on a proportional basis based on a municipality’s average share of statewide reported crimes.

The bills would prevent eligible municipalities from supplanting existing public safety allocations with this funding unless there is a decline in total general fund from the previous year and a proportional decline in its existing reoccurring resources.



The bills do not include direct funding for county sheriff departments, though they do allow for a pass-through of the funds should a sheriff's department have a contract with a local municipality to provide police services.

MAC does not have an official position on the bills at this time, but several inequities in the bills have been identified. First, numerous townships across the state rely on sheriff departments for police services but do not have a contract for that service and would, therefore, be ineligible for this funding. Second, increased policing will ultimately result in more incarcerations in county jails, thereby increasing costs at the county level without any corresponding financial assistance. Lastly, many counties in our state have law enforcement shortages and/or lack the tax base to handle the public safety needs brought on by increased tourism.

MAC will work with the bill sponsors and advocates to address our concerns while still supporting the overall effort of additional resources to address violent crime.

For more information on this issue, contact Deena Bosworth at bosworth@micounties.org.

Broadband projects gearing up with new federal dollars

Michigan is slated to receive nearly \$300 million in federal funding to expand broadband access across the state, according to two separate announcements this week.

About \$238 million comes from the Realizing Opportunity with Broadband Infrastructure Networks (ROBIN) program to support 24 separate projects, while another \$61 million comes from the National Telecommunications and Information Administration (NTIA) direct to Peninsula Fiber Network (PFN).

The Michigan High-Speed Internet Office (MIHI) announced Tuesday it had awarded 11 applicants a total of \$238 million. Those applying for ROBIN dollars had to demonstrate public-private partnerships and an ability to match funds. This means the actual investment in broadband infrastructure through ROBIN will be \$578 million. MIHI estimates these funds will help to connect more than 100,000 unserved homes, businesses, and institutions. There is a comment and objection period between now and July 31, 2023, so while these projects have been approved, they are not set in stone just yet.

As for the \$61 million from NTIA, PFN has shared its plans to distribute the funds across three projects benefiting various regions of the state:

- An underwater fiber optic link will be installed to connect Benton Harbor and Chicago.
- The Upper Peninsula will be connected to Beaver Island and Charlevoix.
- A route will be installed between Flint and Port Huron.



MAC is thrilled to see such substantial investments in broadband infrastructure in Michigan, and there is more to come: Michigan expects to receive roughly \$1.6 billion as part of the Broadband Equity, Access, and Deployment (BEAD) program in 2024. These funds will be prioritized for unserved and underserved locations and the application process will likely begin early next year.

For more information on MAC's work on broadband, contact Madeline Fata at fata@micounties.org.

Justice commission bill passes Senate

A bill to establish the duties of a new Michigan Sentencing Commission passed out of the Senate on Thursday.

Senate Bill [377](#), by Sen. Ed McBroom (R-Dickinson), advanced out of the chamber, though its companion measure, SB 376, by Sen. Stephanie Chang (D-Wayne), did not receive a vote. This is likely due to House

Bills [4173](#) and [4384](#), by Reps. Abraham Aiyash (D-Wayne) and Luke Meerman (R-Ottawa) respectively, having passed out of the House last week and being referred to the Senate Judiciary Committee.



None of this legislation allows for a representative of county boards of commissioners on the state panel, despite a county's role as a funding unit and key administrative piece of local criminal justice.

In light of this deficiency, MAC remains opposed to HB 4173 and SB 376.

Given a county's role as the funding unit, and its fiduciary responsibilities to jails, sheriff's offices and prosecutor's offices, it is imperative that counties have a voice, MAC Governmental Affairs Associate Samantha Gibson [testified](#) previously.

In SB 377 and HB 4384, the commission would be tasked with submitting a prison and jail impact report relating to any modifications to sentencing guidelines, including any impact on state and local correctional facilities. There are also indirect costs associated with the bills, depending on decisions made by the commission. Costs could increase or decrease, depending on changes made to sentencing guidelines. The potential for financial burdens imposed by the state onto county jails is of great concern to MAC. A county voice is crucial on the commission.

Despite the current refusal from legislators to include county commissioners on the commission, MAC will continue to press for such representation.

For more information on this issue, contact Samantha Gibson at gibson@micounties.org.

Podcast delves into big changes for drain code

Bills designed to allow for water management districts and for the assessment of costs across watersheds in Michigan are the topic of a special episode of MAC's Podcast 83 released on June 20.



MAC's Deena Bosworth hosted a session with Stacy Hissong, general counsel for the Michigan Association of County Drain Commissioners (MACDC) and member of the law firm of Fahey Schultz, on the proposed rewrite of Chapter 22 of the Michigan Drain Code.

House Bills 4382-83, by Reps. Curt VanderWall (R-Mason) and Christine Morse (D-Kalamazoo) respectively, would allow local governments and residents to petition the drain commissioner for the establishment of the districts and, if found necessary, to create a plan to manage stormwater within the district in ways not currently allowed.

The plan would be unique to each district and could include actionable items like regional detention, buffer strips and the creation of wetlands, rain gardens and the like. The intent is to slow down and detain water during major storm events, instead of allowing it to flood roads, fields, businesses and homes on its way to a drain. The plan must include an estimate of the cost of each recommended activity.

The legislation is backed by MAC and MACDC.

View the full video of the episode [by clicking here](#).

Previous episodes can be seen at [MAC's YouTube Channel](#).

And you always can find details about Podcast 83 [on the MAC website](#).

MAC creates Opioid Settlement Learning Community to share best practices

County, city and township government officials are invited to participate in the Local Government Learning Community on Opioid Settlements hosted by MAC, the Michigan Municipal League and the Michigan Townships Association. This new network will bring together local subdivisions working to plan and spend their opioid settlement funds.



The group is intended to foster peer-to-peer learning and will include presentations from local governments on practical solutions and examples to addressing the challenges of planning for use of the settlement funds.

The initial session will take place on Friday, July 14 at noon, and meetings will continue monthly on the second Friday from noon to 1 p.m.

To register, [please see the flier](#).

For questions on this issue, contact Amy Dolinky at dolinky@micounties.org.

Juvenile Justice Reform Task Force members testify before House panel

A package of 20 bills to reform the state's juvenile justice system, supported by MAC, received a hearing in the House Committee on Criminal Justice this week. This package, House Bills ~~4624–4643~~, would expand the County Child Care Fund (CCF), including an increase in reimbursement rates to counties from 50 percent to 75 percent for community-based services; expand eligibility for diversion; and require the use of risk and needs assessments.



In addition to expanding the CCF, the Michigan Indigent Defense Commission would be expanded to implement youth defense standards in local county defense systems; the State Appellate Defender's Office would be required to oversee a system of appellate defense for juveniles; and court fines and fees for juveniles would be waived.

The Task Force on Juvenile Justice Reform was established by Gov. Gretchen Whitmer in 2021. The bipartisan task force was chaired by Lt. Governor Gilchrist and included members from all three branches of government, as well as state and local level juvenile justice leaders and advocates. Two county commissioners served on the [Task Force](#), each nominated by MAC. Alisha Bell of Wayne represented a county with a population over 100,000, and Marlene Webster of Shiawassee represented a county under 100,000 in population. Rep. Sarah Lightner, a former county commissioner, also served on the Task Force.

The Task Force discovered several challenges to strengthening public safety and improving outcomes for youth. Those challenges, however, led to the set of 32 recommendations last year. Six priority areas have been identified and translated into this 20-bill package.

[HB 4624](#), by Rep. Christine Morse (D-Kalamazoo), enhances the Child Care Fund (CCF) by establishing a minimum framework of juvenile justice best practices statewide, including the use of risk screening and assessment tools. The best practices will be supported by an increase in the reimbursement rate for community-based services from 50 percent to 75 percent. These changes are essential to ensure counties have the resources to implement and utilize these approaches.

HBs [4625–4629](#) require the consistent use of validated screening and assessment tools to enable more objective decision-making and allow agencies to better match youth to appropriate supervision and services, reducing their likelihood to recidivate. The bills also expand the

Diversion Act so that all offenses, with an exception for youth committing a specified juvenile violation, are eligible for pre-court diversion, based on the use of a risk-screening tool and other factors and limit the time that a youth can be placed on pre-court diversion, unless the court determines that a longer period is needed. While diversion eligibility would be expanded, judicial discretion remains.

HBs 4630 and 4631, by Rep. Lightner (R-Jackson), would expand the Michigan Indigent Defense Commission to include development, oversight, and compliance with youth defense standards in local county defense systems, and expands the State Appellate Defender Office to include appellate services for juveniles.

HBs 4634–4637 eliminate most non-restitution fees and costs associated with juvenile justice system involvement. The bills do not include the elimination of restitution or fees related to the Crime Victims Fund. For restitution and fees related to the Crime Victims Fund, the bills establish a standard procedure for ability to pay, determination of payment schedule, and total to be assessed.

HBs 4638–4642 would strengthen and expand the Office of the Children’s Ombudsman for handling, investigating, and reporting incidents in juvenile facilities.

Continued testimony is expected in the House over the coming weeks and throughout the summer.

MAC supports this package and has shared a letter of support with members of the House Criminal Justice Committee.

For more information on this issue, contact Samantha Gibson at gibson@micounties.org.

Michigan counties get \$6 million in federal PILT funds

On June 15, the U.S. Department of the Interior (DOI) announced that \$578.8 million will be distributed to counties in 2023 through the Payments in Lieu of Taxes (PILT) program.

“Payments in Lieu of Taxes (PILT) are federal payments to local governments to help offset losses in property taxes due to the existence of nontaxable Federal lands within their boundaries. The original law is Public Law 94-565, dated October 20, 1976. This law was rewritten and amended by Public Law 97-258 on Sept. 13, 1982, and codified at Chapter 69, Title 31 of the United States Code. The law recognizes the financial impact of the inability of local governments to collect property taxes on federally owned land.”



Thirty-one Michigan counties received \$5.98 million covering 2.21 million acres of land, with payments ranging from \$132 for Monroe to \$709,500 for Gogebic.

Of states east of the Mississippi River, only Florida (\$6.9 million) and Virginia (\$6.5 million) receive more in federal PILT than Michigan.

To see the Michigan list, [click here](#).

Solar PILT bills clear Michigan House

Legislation to create an optional structure for the taxes levied on solar facilities in Michigan has passed the House with bipartisan support.



After years of participation in workgroups to ensure local options, a stable funding source, appropriate zoning considerations and adequate local

reimbursements, **MAC has taken a neutral position on the legislation.**

House Bills [4317](#) and [4318](#), by Reps. Curt VanderWall (R-Mason) and Cynthia Neeley (D-Genesee) respectively, would allow for the creation of solar energy districts by local municipalities after a mandatory public hearing. Subsequently, solar energy developers could apply for an exemption from local property taxes and instead pay a flat rate of \$7,000 per megawatt of nameplate capacity per year for the proposed solar energy facility, instead of ad valorem property taxes. The payment would be locked in for 20 years and distributed based on the proportions of normal taxes that would have been paid to each taxing unit.

An additional financial incentive would be offered for developers that choose to site their facilities on brownfield properties, in opportunity zones, as a secondary use on already improved real property (i.e., roof tops) or on state-owned property. In such cases, the reimbursement rate would be \$2,000 per megawatt of nameplate capacity.

The impetus behind the legislation is twofold. First, this methodology for compensating locals for lost taxes will provide financial predictability for the developers and the locals, hopefully avoiding the same problems we have had with the challenges to the evaluation of wind turbines. Second, the rate and process should serve as incentives for developers to build more renewable energy facilities in the state.

For more information on this issue, contact Deena Bosworth at bosworth@micounties.org.

MACPAC reaches midyear point ahead of 2022 fundraising pace

MACPAC, the association's political action committee, has raised nearly \$10,000 since December 2022, nearly matching the total for 12 months prior to last December.

MACPAC is the only PAC in Michigan devoted to supporting allies of county government in the Michigan Legislature.

As of June 13, MACPAC had received:

- \$9,974.15 in donations
- Donations from 33 different counties

Allegan and Kent counties are tied at the midyear point for most commissioners donating with three each.

In the 2022 tracking year, MACPAC raised approximately \$11,000.

To donate using MACPAC’s digital system, [just click here](#).

For more information about MACPAC, visit [its webpage](#).



Staff picks

- [How and where to use the zipper merge on Michigan’s roads](#) (MLive)
- [America can fix its highways much faster, if it wants](#) (Governing)
- [Genesee County specialty court will offer an alternative to jail: A full-time job](#) (MLive)
- [Giant sequoia tree continues to thrive in Manistee County](#) (UpNorthLive)



Recent Posts

[Legislative Update 6-23-23](#)

DELTA COUNTY BOARD OF COMMISSIONERS

ADMINISTRATION OFFICE
310 LUDINGTON ST.
ESCANABA, MICHIGAN 49829
PHONE: 906-789-5100
FAX: 906-789-5197



RESOLUTION #23-04

REAFFIRMING DELTA COUNTY TO BE A SECOND AMENDMENT SANCTUARY COUNTY

WHEREAS the issue of constitutional rights, including but not limited to, the Second Amendment of the Constitution of the United States of America as well as the Constitution of the State of Michigan has been in the spotlight of public discussion of recent;

WHEREAS public discussion of such constitutional rights is a hallmark of public discourse in a democracy;

WHEREAS the government of the County of Delta has the authority to not fund activity, regulation and/or rules, which are in conflict with constitutional rights of individuals within the State of Michigan and the United States of America, law abiding citizens are guaranteed the right to keep and bear arms by their Creator. The County of Delta will not support financially any activity that attempts to reduce or strip a law-abiding citizen of their right to keep and bear arms:

WHEREAS the Delta County Commission has previously opined that the selective enforcement of constitutional laws, regulations and/or rules is in violation of the Constitution and Laws of both the State of Michigan and the United States of America;

WHEREAS the Board of Commissioners of the County of Delta on February 2, 2020 adopted a Resolution stating that Delta county Michigan is a second amendment sanctuary county,

WHEREAS all elected County Commissioners in the County of Delta Michigan take an oath of office pledging their support to the Constitution of the United States of America and Constitution of Michigan to faithfully discharge the duties of their offices;

WHEREAS the lawful ownership, possession and use of firearms is part of the cultural heritage within the County of Delta Michigan;

WHEREAS it is common for firearms to be family heirlooms that pass from generation to generation as a permanent connection of the past and to the present within extended families;

WHEREAS recent high-profile firearm shootings involved many individuals that have mental health issues the mental health systems nationwide failed to timely, appropriately and adequately provide services to such individuals;

*NOW THEREFORE BE IT RESOLVED that the **BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DELTA** does support and will continue to honor the pledge to support the Constitution of the United States of America as well as the Constitution of the State of Michigan, including all amendments thereto;*

*BE IT FURTHER RESOLVED that the **BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DELTA** direct our legislators whom act as a representative of the People of the State of Michigan to:*

A. Not undertake or support legislation that is in conflict with the Second Amendment of the United States of America and Article 1.6 of the Michigan Constitution of 1963, including:

- 1. Red Flag Laws, excluding the present Personal Protection Order process;*
- 2. Registration requirements of full or long firearms;*
- 3. Mandatory storage schemes for firearms;*
- 4. Additional limitations on the lawful ownership and use of firearms; and*
- 5. Adoption of other schemes of regulation of firearms that infringe on the foregoing constitutional guarantees of the People of the State of Michigan*

B. Adhere to their oath of office and not adopt legislation, rules, regulations and/or requirements that conflict with the Second Amendment to the Constitution of the United States of America and Article 1.6 of the Michigan Constitution and any final judicial determinations thereto;

C. Adequately fund mental health services available in all of our communities to provide for timely intervention with appropriate and adequate mental health services as an investment in the human capital of all persons of the State of Michigan; and

*BE IT FURTHER RESOLVED that the **BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DELTA** directs its staff to provide a copy of this Resolution to:*

- A. Each township in the County of Delta;*
- B. Each city and village in the County of Delta;*
- C. Each department head of the County of Delta;*
- D. Each county in the State of Michigan;*

This Resolution was offered by Commissioner Viau, and supported by Commissioner Petersen.

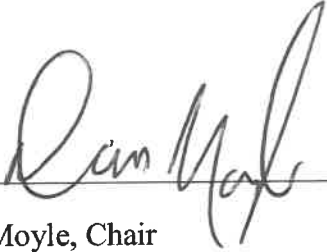
A roll call vote was taken and this Resolution was passed by a vote of: 5:0.

Those Commissioners voting in favor of: Malnar, Viau, Barron, Peterson and Moyle.

Those Commissioners voting against: None.

Those Commissioners abstaining: None.

The Resolution Was Declared Adopted. June 06, 2023



David Moyle, Chair
Delta County Board of Commissioners

ATTEST:



Nancy Przewrocki
Delta County Clerk



DELTA COUNTY BOARD OF COMMISSIONERS

ADMINISTRATION OFFICE
310 LUDINGTON ST.
ESCANABA, MICHIGAN 49829
PHONE: 906-789-5100
FAX: 906-789-5197



RESOLUTION #23-05

FOR THE OPPOSING PROPOSED CHANGES TO THE STATEWIDE SEPTIC CODE (HB 4479 & 4480 SB 299 & 300)

AT A MEETING OF THE /BOARD OF COMMISSIONERS OF DELTA COUNTY, MICHIGAN,
HELD AT DELTA COUNTY SERVICE CENTER BOARD ROOM, ON JUNE 6, 2023,

RESOLUTION - OPPOSING PROPOSED CHANGES TO THE STATEWIDE SEPTIC CODE IN
DELTA COUNTY, MICHIGAN

WHEREAS, the Board of Commissioners of the County of Delta, Michigan, does hereby find
as follows:

WHEREAS, House Bills 4479 and 4480 and Senate Bills 299 and 300 would amend section
12752 and add Part 128 to the Public Health Code and establish state and local standards for
onsite wastewater treatment systems which would require the Michigan Department of
Environmental Quality to develop a statewide code to govern the installation, operation,
maintenance and inspection of septic systems;

WHEREAS, the amendatory Act restricts and removes local controls and changes existing
regulations and guidelines that have been effectively enforced by counties and health
departments across the Upper Peninsula; and

WHEREAS, the Amendatory Act would add additional mandates that would increase the
amount of personnel time and expenses that Upper Peninsula Health Departments would incur
under the new Act without adequate funding from the state; and

WHEREAS, the Amendatory Act would gut existing regulations and grant the Michigan
Department of Environmental Quality authority to approve local sanitary codes which, in effect,
eliminates local control and undermines the duties of local health department to implement and
enforce laws; and

WHEREAS, the Michigan Department of Environmental Quality lacks the necessary budget
and staffing levels to meet the mandates of this Amendatory Act which will place additional
financial burden on local authorities; and

WHEREAS, the creation of the State Technical Advisory Committee under the Act would take away and replace local control of the design, permitting, inspection and management of onsite wastewater treatment facilities and limit input into the rulemaking process to four local health department representatives; and

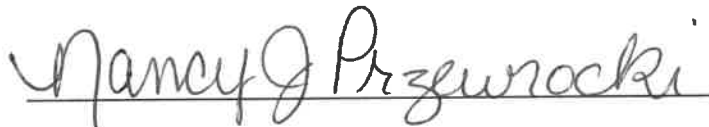
WHEREAS, the Amendatory Act fails to address funding for distressed homeowners and vacated properties with onsite wastewater treatment systems;

NOW, THEREFORE, BE IT HEREBY PROCLAIMED by the Board of Commissioners of the County of Delta, Michigan, opposes House Bill 4479, House Bill 4480, Senate Bill 299, and Senate Bill 300 and requests State Legislators to oppose the legislation.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution adopted by the Delta County Board of Commissioners at the time, date, and place specified above pursuant to the required statutory procedures.

Dated: June 6th, 2023 Board of Commissioners, County of Delta, MI



Attest

Nancy J. Przewrocki
Clerk, Board of Commissioners
County of Delta, State of Michigan



MACKINAC COUNTY BOARD OF COMMISSIONERS

100 S. Marley Street Room 10
St. Ignace, Michigan 49781
Phone (906) 643-7300 Fax (906) 643-7302
TDD (800) 649-3777

Corina Clark – Dist. 1
Daniel Litzner – Dist. 2

Jodi Kaiser – Dist. 3
Mike Patrick – Dist. 4
Judy St. Louis-Scott – Dist. 5

MACKINAC COUNTY RESOLUTION

OPPOSITION TO LEGISLATIVE PROPOSALS ON ESTABLISHING A STATEWIDE SEPTIC CODE

Whereas, the Mackinac County Board of Commissioners understands the importance for clean water, which is a public health matter for all the counties, but particularly for those with shoreline on the Great Lakes; and

Whereas, the LMAS Health Department, follows the Upper Peninsula Health Code for the purpose of protecting public health and safety and the quality of the environment; adopted pursuant to the Michigan Public Health Code; and

Whereas, the LMAS Health Department inspects and issues permits for Type II, Type III, water wells, public pools and beaches throughout the County, as well as, septic system and commercial properties; and

Whereas, this proposed code would apply to all residential and commercial systems and the Mackinac County Board of Commissioners opposes any additional requirements for inspection of residential septic wastewater systems; as the proposed policy changes may be overly burdensome; for businesses and local residences alike; and

Whereas, recent proposals House Bills 4479 and 4480 and Senate Bills 299 and 300, only introduce a failed bipartisan code package from 2018; without structure or an agreed upon timing for the proposed inspections; and

Whereas, these changes would cause undue hardship for our citizens, as Mackinac County lacks the needed infrastructure and manpower that would be necessary to uphold the proposed code changes, and

Whereas, Mackinac County continues to be dedicated to providing a healthy and safe living environment for its constituents and its visitors, through its current processes; the Board also recognizes the cost of living is exceeding many of its residents, who are struggling with current economic impact of mandated expenses.

Therefore, be it resolved that the Mackinac County Board of Commissioners opposes House Bill 4479 and 4480 and Senate Bill 299 and 300, to establish a statewide septic code.

ROLL CALL VOTE

Moved by: Kaiser

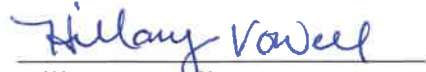
Supported by: Litzner

Ayes: Clark, Kaiser, Litzner, Patrick, St.Louis-Scott

Nays: none

Absent: none

I, Hillary Vowell, Clerk of the Mackinac County Board of Commissioners, do hereby certify and set my seal to the above resolution as adopted by the Mackinac County Board of Commissioners at their regular meeting held on the 19th day of June, 2023.



Hillary Vowell

Mackinac County Clerk

St. Joseph County
Resolution 8-2023

A resolution to oppose state of Michigan Senate Bills 76-86 or any similar bill in which the state restricts the individual right of us citizens as protected by the Second Amendment of the Constitution of the United States.

Whereas, the right of the people to keep and bear arms for defense of life, liberty, and property is regarded as an inalienable right by the people of St. Joseph County, Michigan;

Whereas, the people of St. Joseph County, Michigan, derive economic benefit from all safe forms of firearms recreation, hunting, and shooting conducted within St. Joseph County using all types of firearms allowable under the United States Constitution;

Whereas, the St. Joseph County Board of Commissioners, being elected to represent the people of St. Joseph County and being duly sworn by their oath of office to uphold the United States Constitution and the Constitution of the State of Michigan;

Whereas, the Michigan House of Representatives and the Michigan Senate, being elected by the people of the State of Michigan and being duly sworn by their oath of office to uphold the United States Constitution and the Constitution of the State of Michigan;

Whereas, the Governor of Michigan, being elected to represent the people of the State of Michigan and being duly sworn by her oath of office to uphold the United States Constitution and the Constitution of the State of Michigan; and

Whereas, proposed legislation of any bills similar to, or under consideration by the Michigan State Legislature, would infringe upon the right to keep and bear arms of commonly owned firearms by the individual citizens of St. Joseph County, Michigan, and is a direct violation of the 2nd Amendment to the US Constitution.

Now therefore be it resolved by the St. Joseph County Board of Commissioners to hereby oppose the enactment of any legislation that would infringe upon the Right of the People to keep and bear arms and consider such laws to be unconstitutional and beyond lawful Legislative Authority.


Be it further resolved that the St. Joseph County Board of Commissioners demands that the Michigan Legislature cease further actions restricting the rights of the people to keep and bear arms.

Be it further resolved that the Clerk of St. Joseph County is hereby directed to deliver copies of this Resolution to all 82 County Clerks, Michigan Association of Counties, Representative Brad Paquette, Representative Steve Carra, Senator Jonathon Lindsey, and the Office of the Governor.

STATE OF MICHIGAN)
) SS
COUNTY OF ST. JOSEPH)

I, LINDSAY OSWALD, Clerk of the St. Joseph County Board of Commissioners and Clerk of the County of St. Joseph, do hereby certify that the above Resolution was duly adopted by said Board on June 20, 2023.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County and Circuit Court at Centreville, Michigan, this 20th day of June 2023.



Lindsay Oswald, County Clerk

ALGER COUNTY BOARD OF COMMISSIONERS

Joel VandeVelde, Clerk
101 COURT STREET, MUNISING, MI 49862

RESOLUTION #2023-12

RESOLUTION AFFIRMING SUPPORT OF ALL CONSTITUTIONAL RIGHTS, INCLUDING, BUT NOT LIMITED TO, THE RIGHT OF THE PEOPLE TO BEAR ARMS AND TO ADEQUATELY FUNDING MENTAL HEALTH SERVICES BY BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ALGER

WHEREAS the issue of constitutional rights, including but not limited to, the Second Amendment to the Constitution of the United States of

America has been in the spotlight of public discussion of recent;

WHEREAS public discussion of such constitutional rights is a hallmark of public discourse in a democracy;

WHEREAS some individuals are of the belief that county government has the authority to not enforce duly adopted laws, regulations and/or rules, which are claimed to be in conflict with constitutional rights of individuals within the State of Michigan and the United States of America;

WHEREAS our civil council has opined that the selective enforcement of constitutional laws, regulations and/or rules by Michigan county government is in violation of the Constitution and Laws of both the State of Michigan and the United States of America;

WHEREAS the Board of County of Commissioners of the County of Alger on December 7, 1997, adopted a Resolution of Recognition of Bill of Rights in the Constitution of United States of America, which remains on prominent display at the Alger County, Michigan Courthouse;

WHEREAS all elected county and state office holders take an oath of office under which the office holder supports the Constitution of the United States of America and Constitution of Michigan and to faithfully discharge the duties of such offices;

WHEREAS the lawful ownership, possession and use of firearms is part of the cultural heritage within Alger County, Michigan;

WHEREAS it is common for firearms to be family heirlooms that pass from generation to generation as a permanent connection of the past to the present within extended families;

WHEREAS funding for mental health services in the State of Michigan is woefully underfunded causing a failure to adequately provide services to persons of the State of Michigan whom are in need of mental health services; and

WHEREAS recent high profile firearm shootings involved many individuals that have mental health issues the mental health systems nationwide failed to timely, appropriately and adequately provide services to such individuals;

NOW THEREFORE BE IT RESOLVED that the BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ALGER does support and will continue to honor the pledge to support the Constitution of the United States of America as well as the Constitution of the State of Michigan, including all amendments thereto;

SE IT FURTHER RESOLVED that the BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ALGER direct our legislators whom act as representatives of the People of the State of Michigan to:

- A. Not undertake legislation that is in conflict with the Second Amendment to the United States of America and Article 1 § 6 of the Michigan Constitution of 1963, including:
 1. Red Flag Laws, excluding the present Personal Protection Order process;
 2. Registration requirements of full or long firearms;
 3. Mandatory storage schemes for firearms;
 4. Additional limitations on the lawful ownership and use of firearms; and
 5. Adoption of other schemes of regulation of firearms that infringe on the foregoing constitutional guarantees of the People of the State of Michigan.
- B. Adhere to their oath of office and not adopt legislation, rules, regulations and/or requirements that conflict with the Second Amendment to the Constitution of the United States and Article 16 of the Michigan Constitution and any final judicial determinations thereto;
- C. Adequately fund mental health services available in all our communities to provide for timely intervention with appropriate and adequate mental health services as an investment in the human capital of all persons of the State of Michigan; and
- D. Ensure that the providing of adequately funded mental health services is accomplished by methods that do not infringe on the statutory and constitutional rights of those in need of mental health services.

BE IT FURTHER RESOLVED that if in exercise of discretion by the Office of Sheriff and Office of Prosecuting Attorney both of the County of Alger, determine that a law has been adopted which violates the Constitution of the United States of America, the Constitution of the State of Michigan, and any final judicial determinations thereto, that the BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ALGER supports the lawful exercise of discretion not to enforce an unconstitutional law against any law abiding person within the County of Alger;

BE IT FURTHER RESOLVED, that the BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ALGER directs its staff to provide a copy of this Resolution to: Each township in the County of Alger;

- A. Each city and village in the County of Alger;
- B. Each department head of the County of Alger;
- C. Each county in the State of Michigan;
- D. The Michigan House of Representative;
- E. The Michigan Senate;
- F. The Governor of the State of Michigan
- G. Each United States Senator for the State of Michigan; and
- H. Each United States Congressman for the State of Michigan.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution adopted by the Alger County Board of Commissioners at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,



Joel VandeVelde, Alger County Clerk



ALGER COUNTY BOARD OF COMMISSIONERS

Joel VandeVelde, Clerk
101 COURT STREET, MUNISING, MI 49862

RESOLUTION #2023-13

RESOLUTION IN SUPPORT OF "THE REVISED SCHOOL CODE" HB4284

Whereas, “A nation which does not remember what it was yesterday, does not know what it is today, nor what it is trying to do. We are trying to do a futile thing if we do not know where we came from or what we have been about.” - President Woodrow Wilson.; and

Whereas, From our founders the following statements: **“Every child in America should be acquainted with his own country. He should read books that furnish him with ideas that will be useful to him in life and practice. As soon as he opens his lips, he should rehearse the history of his own country.”** and **“It is an object of vast magnitude that systems of education should be adopted and pursued which may not only diffuse a knowledge of the sciences but may implant in the minds of the American youth the principles of virtue and of liberty and inspire them with just and liberal ideas of government and with an inviolable attachment to their own country.”**-Noah Webster, On the Education of Youth in America, 1788, **“I know no safe depository of the ultimate powers of the society, but the people themselves: and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is, not to take it from them, but to inform their discretion by education. this is the true corrective of abuses of constitutional power”**- Thomas Jefferson to William Charles Jarvis, 28 September 1820; and

Whereas, **“A Bible and a newspaper in every house, a good school in every district--all studied and appreciated as they merit--are the principal support of virtue, morality, and civil liberty.”**-Benjamin Franklin.; and

Whereas, **“Who controls the past controls the future. Who controls the present controls the past.”**
—George Orwell, From 1984.; and

Whereas, Michigan Constitution states: Article 8 – Education - Section 1 – Encouragement of Education - Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.; and

Whereas, Every member of the State ought diligently to read and to study the constitution of his country and teach the rising generation to be free. By knowing their rights, they will sooner perceive when they are violated, and be better prepared to defend and assert them. *John Jay*, First Chief Justice of the supreme Court of the United States, 1797, *Charge to the Grand Jury Of Ulster County*.; and

Whereas, New York State Supreme Court Justice Gallagher, Elbert T. opinion Baer v. Kolmorgen December 15, 1958- Much has been written in recent years concerning Thomas Jefferson's reference in 1802 to "a wall of separation between church and State." It is upon that "wall" that plaintiffs seek to build their case. Jefferson's figure of speech has received so much attention that one would almost think at times that it is to be found somewhere in our Constitution. Courts and authors have devoted numerous pages to its interpretation.; and

Whereas, From 2006 (33%) to 2019 (39%) of the people polled could name all three (3) branches of government (lowest 2016 and 2017 being 26%). This figure was reported higher for those serving in office in Washington D.C. www.annenbergpublicpolicycenter.org; and

Therefore, Be It Resolved, That we, the Alger County Commissioners support House Bill 4284 to insure all Michigan students are taught the following: ***The American Revolution, Founding documents of the United States, including, but not limited to, the United States Constitution, the Declaration of Independence, the Bill of Rights, and the Federalist Papers, The War of 1812, The Civil War, World War I, World War II, The Korean War, The Vietnam War, and The Civil Rights Movement.***; and

Therefore, Be It Further Resolved, that a copy of this Resolution be sent to Governor Gretchen Whitmer, Senator Ed McBroom, House Representative Jenn Hill, State Board of Education Members Marshall Bullock, Ellen Cogen Lipton, Tom McMillin, Judith Pritchett, Pamela Pugh, Mitchell Robinson, Nikki Snyder, Tiffany D. Tilley, and the other 82 Counties in the State of Michigan.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution adopted by the Alger County Board of Commissioners at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,



Joel VandeVelde, Alger County Clerk

Dated: June 20, 2023



ALGER COUNTY BOARD OF COMMISSIONERS

Joel VandeVelde, Clerk
101 COURT STREET, MUNISING, MI 49862

RESOLUTION #2023-14

**Opposition to Legislation Preempting Local Control
Michigan House Bills 4526-4528**

WHEREAS, legislation preempting local control over sand and gravel mining was introduced this week in the House with House Bills 4526, 4527, and 4528; and

WHEREAS, these bills aim to eliminate local control of aggregate mining operations and place the regulating authority in the hands of the Department of Environment, Great Lakes, and Energy (EGLE), usurping all local authority including all local zoning, administration, and ordinance over the industry; and

WHEREAS, local governments support access to aggregate materials necessary to fix our roads and are uniquely positioned to know what is best for their communities; and

WHEREAS, the current process allows for local governments to balance these needs along those

with their entire community, protecting the interests and safety of their residents, students, business, and property owners.

WHEREAS, the Alger County Board of Commissioners believes that preempting local control amounts to government overreach.

THEREFORE, BE IT RESOLVED that the Alger County Board of Commissioners strongly urges its State House of Representatives to oppose House Bills 4526, 4527, and 4528 which would silence local voices on aggregate operations in our community.

BE IT FURTHER RESOLVED that the Alger County Board of Commissioners supports the Michigan Townships Association (MTA), Michigan Municipal League (MML), and Michigan Association of Counties (MAC) in their joint statement in this preemption of local control.

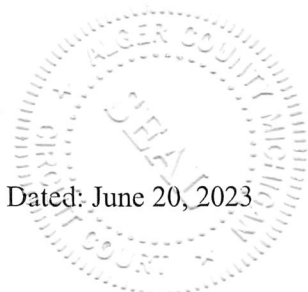
BE IT FURTHER RESOLVED that copies of this resolution be provided to Governor Gretchen Whitmer, Senator Edward McBroom (38th District), Representative Jenn Hill (109th District), Michigan Department of Environment Great Lakes and Energy, the Michigan Townships Association, the Michigan Municipal League, the Michigan Association of Counties, and all Michigan counties.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution adopted by the Alger County Board of Commissioners at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,


Joel VandeVelde, Alger County Clerk



Dated: June 20, 2023



BOARD OF COMMISSIONERS

County Building

P.O. Box 70, Room 131

Cheboygan, Michigan 49721

Tel (231) 627-8855

Fax (231) 627-8881

E-mail ccaa@cheboygancounty.net

Cheboygan County

Sanitary Code Resolution No. 2023-10

Whereas, there are currently pending in the Michigan Legislature certain bills, SB299, SB300, HB4479 & HB4480, which would impose statewide regulations for the implementation of and maintenance of septic systems; and

Whereas, these bills as presently drafted, would require inspection of all systems every five years and would impose much greater expenses and work hours on local public health departments; and

Whereas, the bills would dramatically increase the requirements for septic inspectors and make it much more difficult to find, hire & retain qualified personnel; and

Whereas, the current legislation does not provide a permanent, secure funding mechanism to cover these increased costs, which will invariably be shifted to our local health departments, and


Whereas, Cheboygan County recognizes the critical importance of protecting Michigan's water resources, including groundwater, lakes & streams, and other surface waters, but concludes that the bills do not provide a sustainable or a financially feasible solution; and

Whereas, soil types vary considerably throughout Michigan making it difficult to establish generalized "one size fits all" rules for septic systems.

Therefore, Be It Resolved, that the Cheboygan County Board of Commissioners opposes SB299, SB300, HB4479 and HB4480 as introduced and urges the Michigan Legislature to consider the costs to local health departments and property owners before adopting changes to the septic provisions of the Michigan Public Health Code.

Therefore, Be It Further Resolved, that a copy of this Resolution be forwarded to Governor Gretchen Whitmer, Senator John Damoose, Representative Cam Cavitt, Representative Neil Friske, all Michigan Counties, Michigan Association of Counties and District Health Department No. 4.

Dated: June 27, 2023


John B. Wallace, Chairman
Cheboygan County Board of Commissioners

I, Karen L. Brewster the undersigned, the Clerk of the County of Cheboygan, Cheboygan County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Cheboygan County Board of commissioners at its regular or reconvened meeting held on June 27, 2023, relative to adoption of the resolution therein set forth; that said meeting was conducted and public notice of

District 1
Jeff Ostman

District 2
Richard B. Sangster
Vice-Chairman

District 3
Michael Newman

District 4
Ron Williams

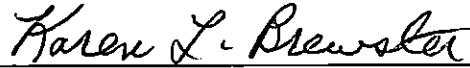
District 5
Kimberlee Pappas

District 6
John B. Wallace
Chair

District 7
Steve Warfield

said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

In Testimony Whereof, I have hereunto set my hand, and affixed the seal of said Court and County; this 27th day of June, 2023.



Karen L. Brewster
Cheboygan County Clerk Register