

**Cheboygan County Board of Commissioners
Committee of the Whole Meeting
July 23, 2019**

The Committee of the Whole meeting of the Cheboygan County Board of Commissioners was called to order in the Commissioners Room by Chairperson John Wallace at 9:32 a.m.

Roll called and a quorum present.

PRESENT: Commissioners Mary Ellen Tryban, Richard Sangster, Michael Newman, Cal Gouine, Roberta Matelski, John Wallace and Steve Warfield

ABSENT: None

Commissioner Wallace gave the invocation and led the Pledge of Allegiance.

Motion by Commissioner Tryban, seconded by Commissioner Matelski, to approve the agenda as presented. Motion carried with 7 yes, 0 no and 0 absent.

CITIZENS COMMENTS

Cheboygan Area Arts Council Executive Director Kathy King Johnson commented that she was working with the veterans on the memorial park to help them with a grant for public art. Public Art is a civil infrastructure, which is accessible out in the open and it is sustainable. This includes sculptures and it also includes memorabilia. There is a canon and trees in the park. Thirty-four trees were planted in the park with one for each soldier who died in WWI. There were also the plaques that are located on the archway. Discussion was held on the original "Least We Forget" plaques on the archway, which are a historic piece of art and particularly the plaques were put up by the veterans of WWI. Time is needed to think about the culture and historical history of these art pieces before just tearing them down. There hasn't been a thought to the cost of saving and repairing the archway. She was working on a grant for public art in the area of Cheboygan in the amount of \$100,000. It would include the tablets and anything else that is needed for the memorial park. Public Art is for the people and for the place. Want to see more public art in and around Cheboygan? Help decide what should be included in the Art Vision Plan for the community. Events are open to all. Art Vision Plan Public Open House was scheduled for Tuesday, August 13th at the Cheboygan Public Library 12-7 P.M. Public Review of the Art Vision Plan Draft on Saturday, August 17th at the Cheboygan Public Library and Farmers Market. Art Vision in Cheboygan has 28 people on the committee, which represents 16 agencies. Voices are needed of the people to tell them what they want. A letter of support was requested from the Board of Commissioners.

Motion by Commissioner Gouine seconded by Commissioner Tryban to adopt a letter of support. Motion carried with 7 yes, 0 no and 0 absent.

Veteran's Memorial Park Member Tom Smith commented that Moran Iron Works has finished the sculptures and there is a ceremony scheduled on August 5th for a presentation. He thanked Matt Barber who donated his labor and Cheboygan Cement who donated all of the cement. If you see these guys, slap them on the back and tell them thank you. His concern was raising money and he thanked Kathy King Johnson for her help. He also thanked the summer residents and the citizens of Cheboygan for their generosity. The canon is being moved to its new location on Monday.

Michael O'Brien introduced himself as the newly appointed City Council Member and he was looking forward to working with the Cheboygan County Board.

SCHEDULED VISITORS/DEPARTMENT REPORTS

Chairperson Wallace and Administrator Lawson presented Sue Eno an appreciation certificate for her 7 years of service with the NLEA Board.

Chairperson Wallace and Administrator Lawson presented Keith Kwiatkowski an appreciation certificate for his 9 years of service with the Cheboygan County Fair Board.

Judge Adrian Gauthier presented the 53rd Circuit Court 2018 Annual Report. For the most of 2018, Scott L. Pavlich served as the 53rd Circuit Court Judge. Judge Pavlich retired in December 2018 after 20 years of service, and Governor Snyder appointed him to fill the vacancy created by that retirement. This report summarizes Circuit Court activity during 2018 and introduces some of the initiatives undertaken thus far during 2019. A total of 321 cases were filed in 2018. 2018 saw an increase in both criminal and civil (including domestic) filings in Cheboygan over the 2017 numbers. There was an 11% increase in criminal filings and a 15% increase in civil/domestic filings. Melissa Lail was recently hired as the Judicial Assistant/Compliance Clerk. The 53rd Circuit Court is in compliance with the Michigan Supreme Court's standards for a court collections program for criminal fines, costs and restitution. 2018 saw a dramatic increase in the amount collected, but this reflected two (2) cases with large restitution payments. Even discounting those two (2) cases to determine a more representative amount, Circuit Court collections in 2018 increased by 5.8%. The overall net budget increased in 2018, bringing it closer to the 2016 levels. Total expenditures were still well short of those actually budgeted.

Cheboygan County has been operating a Drug Court program since 2009. This program targets high risk, high needs felony offenders with serious substance use disorders. The Drug Court is an intensive program built on a team approach that includes the prosecutor, a defense attorney, a treatment provider, a probation agent, a case manager, the court administrator, a law enforcement officer, a compliance officer and the judge. Many of the team members volunteer their time to take on responsibilities within the program without recognition or compensation. The program is centered on substance abuse treatment, with strict drug and alcohol testing to monitor each participant. The program is not easy on the participants, but it offers them an alternative to jail or prison. Over the life of the program, about 41% successfully graduate. During 2018, the Cheboygan Drug Court admitted 14 new participants, had five (5) graduations and 10 unsuccessful terminations. As of the date of this report, there are 20 current participants in the program. This year, Drug Court celebrates its 10th year. The Board of Commissioner was invited to attend the graduation of the 49th and 50th participant on August 6th at 9 a.m. in the 53rd Circuit Court. Over the life of the program, about 41% successfully graduate. Those participants who are removed from the program are sentenced to jail or prison. The county will never eliminate drug abuse, but it can celebrate each individual whose life is improved, and it can reduce recidivism through programs like the Drug Court.

The Friend of the Court is an administrative office of the Circuit Court's Family Division, managed by Kevin Weller. It actively enforces and collects child support orders and also provides dispute resolution in child custody and parenting time matters. Its performance is measured by federal and state standards, with grant funding at stake if those standards are not met. Cheboygan's FOC continues to exceed those standards. During 2018, the total amount of

support distributed was more than \$2.9 million. Cheboygan's rate of collection was 75.25%, which is higher than the statewide average of 71.43%. Our rate of collection on arrears (past due support) was 86.94%, far surpassing the statewide average of 65.96%. This office provides an invaluable service not only to the Court, but to the parents and children of Cheboygan County.

During the spring of 2019, the process of jury selection was changed in Cheboygan County to citizens who are called for jury duty. Rather than a once per month jury selection date with a large number of jurors summoned to serve on any trials during that month, the county has shifted to summoning smaller panels for individual cases to be tried immediately after the jury is selected. First, for cases without a large number of witnesses, a citizen can fulfill jury duty on a single day. Under the prior system, a citizen selected for jury would have to return to Court on a date later that month for the actual trial. Second, the court is attempting to reduce the number of unnecessary summonses sent out, which will reduce costs in staff time and postage, as well as reduce the number of citizens who experience some degree of inconvenience simply by receiving a summons to appear in court on a date someone else has chosen for them. Other modest changes will continue to be considered, in consultation with the State Court Administrative Office and our jury board, to bring the jury management system closer to the Michigan Supreme Court's suggested best practices.

One of Judge Gauthier's priorities is to increase the communication between the Court and the community. This spring and summer, he has been visiting each municipal and township board in Cheboygan County to give an update on the business of the Circuit Court and answer any questions about general Court procedures. Also he planned to have quarterly bench/bar meetings with local attorneys, to discuss local practices and procedures and receive input about making them more efficient for attorneys. The first meeting of such was held this spring, with a good response from the local bar.

In conjunction with the Probate and District Court Judges and in compliance with a Michigan Supreme Court directive, he has established a courthouse security committee with members from several elected offices and other stakeholders. The committee should be conducting its first meetings in the third and fourth quarters of this year, and will provide an annual report to the Supreme Court next spring. The purpose of the committee is to discuss any issues surrounding security in the county building, to make any necessary recommendations to the Board of Commissioners and to review any security incidents.

The provision of indigent defense services has been transformed in the last couple of years due to changes in the law. During 2018, Circuit Court staff provided some services to the County to provide periodic reports to the Michigan Indigent Defense Commission (MIDC) and support to the Public Defender's Office. New standards are expected to be adopted soon by the MIDC, which include a requirement that such services be provided independent of the courts. The Circuit Court has been working with the County Administrator to shift any MIDC duties or support away from the Circuit Court staff.

During 2019, Circuit Court staff was also exploring a possible expansion of the Drug Court Program to serve Presque Isle County, which is also part of the Circuit Court.

Judge Daryl Vizina presented the 2019 Annual Probate and Family Court Report. He introduced his staff to the Board. A list of the different types of cases handled in Probate Court was given as follows: Guardianship; Juvenile Delinquencies; Compass Academy (formerly SAYPA); Conservatorships; Abuse/Neglect; Estates; Divorces with Minor Children; Names changes; PPO

and Mental Health. Judge Vizina introduced several of the guardianships, which was Cheboygan's truly unsung heroes. Examples were given of the roles of a guardian and the challenges that they incur. During the last Compass Academy (formerly SAYPA) marking period, 3 out of 11 students made the honor roll. He reviewed the report and highlighted the 400 new Probate cases filed in 2018: 119 juvenile neglect and abuse and delinquency cases; 93 estates/trusts; 44 divorces with children; 21 adoptions; 42 PPO's rotated 50/50 with Judge Pavlich/Judge Gauthier; 47 adult/minor guardianships; 6 name changes; 12 adult/minor conservatorships and 16 miscellaneous cases. Unlike other courts where cases are dealt with and completed, the Probate Court has long-term juvenile and adult guardianship cases that go on until the person either becomes an adult or passes away. He reported that the total Probate Court budget was \$1,171,678; total contributions of \$282,885.27 and \$814,011.03 total expenditures, which showed that the Probate Court operated under budget for the 2018 year. An office issue included payments for the guardianship GAL Attorneys from the following counties: Charlevoix - \$65/hour; Emmet - \$60/hour; Otsego - \$75/hour and Cheboygan - \$50/hour. It was his understanding, that since 2006 the rate for Cheboygan County has not changed. Cheboygan County was the lowest paying county for this service. Obviously, the court wants attorneys to take these responsibilities on and this was something that might want to be addressed in the future. The second office issue was the payment Public Guardians. Currently, Cheboygan County pays nothing to a public guardian for an indigent ward; Charlevoix County pays \$60 per month per indigent ward; Emmet County pays \$83 per month per indigent ward, and Otsego pays \$30 per month per indigent ward. Currently there were 18 indigent wards in Cheboygan County. The court needs to make this position worthwhile or the court risks losing the people who are guardians. And the third office issue was the payment for the court's NA/DL Contract Attorneys. In 2005, the contract paid \$1375/month; 2018 the contract paid \$1375/month and 2019 the contract paid \$1475/month. He appreciated the \$100 increase approved by the Board last year. Currently, there were five (5) attorney's contracted and there was not a lot of attorney's in Cheboygan County that was willing to do this type of work because of the amount of time it takes. Judge Vizina thanked the sheriff's department.

Veterans Director Richard Wiles presented the 2018 Veteran Services Annual Report. VA Benefits had been granted to over 2,300 veterans in Cheboygan County. VA Benefits not only improve veteran's life, but also the local economy. Over \$20.2 million dollars in federal benefits in FY 2018 was awarded to Cheboygan County Veterans per Geographic Distribution of VA Expenditures Fiscal Year 2018. Services provided were as follows: Service Connected Disability Compensation; Veteran Pension; Survivor Pension; Burial and Death Benefits; Dependency and Indemnity Compensation; VA Health Care Enrollment; DAV Van ride coordination and other travel options; Military Records Request; Vocational Rehabilitation and Employment; Emergency Financial Assistance; Automotive and Special Adaptive Equipment; Dependent and Survivor Benefits; VA Ancillary Benefits; and Veteran Advocacy. 2018 accomplishments were presented. Big changes in the VA in 2018 were pension program for both veteran and surviving spouses was revamped, with all new forms and calculations; rapid modernization appeals program came on line to help reduce the backlog of appeals and to get ready for appeals modernization and the Michigan Act was signed into law for veteran healthcare., which started in June 2019. Changes in 2019 were VA appeals modernization and Blue Water Navy Act now law and Procopio v. Wilkies. 2019 Goals consisted of all office staff to maintain currency in VA benefits and programs; seek to actively educate the community about available veteran services and benefits; increase community outreach throughout the entire county; provide support for county veteran events; coordinating with MVAA representative to hold a multi-county Veteran Benefit Fair, VSO taking Advanced Course for Certified Veterans Advocate and stay updated on all the rapid changes in VA policy.. There were a total of 1,427 walk-ins and appointments. The office also received 2,834 phone calls in 2018. The claims

processed by type were as follows: 84 Compensation; 10 Pension; 16 Surviving Spouse; 65 Burials; 58 Records Requested; 41 Health Care; 7 Homeless; 22 Appeals Processing and 59 Intent to File. Veterans expenditures in Cheboygan County, which were monies coming into the County through VA Benefits were \$20,238,000. The Veterans population for Cheboygan County was 9.2%. The VSO provides financial assistance for emergency needs to qualified veterans and their families for temporary assistance covering emergencies or hardships concerning shelter, food utilities, automobiles, and other circumstances. Assistance MUST be for an emergency and not for the relief of an inconvenience, want, or desire and cannot be used for long term or reoccurring problems. There were three assistance funds available through their office and each had specific eligibility requirements for the veteran or family member to qualify as follows: Veterans Assistance Fund (funded solely by donations), Soldiers Relief Fund (funded by Cheboygan County), and MI Veterans Trust Fund (funded by MVTF) (State). If approved, assistance was always paid directly to a vendor, not the applicant. Financial assistant accounts were paid from the Veterans Assistance Fund of \$663.46; Soldier Relief Fund of \$1,369.04 and MI Veterans Trust Fund of \$8,138.32. The county office regained control of the DAV Van operations in March 2016. At that time, veterans were only being transported to Mackinaw City or Gaylord. They worked with the VA in Saginaw to get permission to expand their travel limits and were now able to transport veterans not only to regular VA medical appointments, but also to any VA referred private medical appointment within the state. They were also able to use any prearranged high visibility, public location as a pickup and drop off spot to make it more convenient for the county veterans. Presently, included were Veteran Service buildings, Mackinaw CBOC, and Assisted Living facilities. Van rides were dependent on volunteer driver availability and weather. Average time for a volunteer driver to go through the approval process had been 1-2 months. The DAV van's annual miles totaled 25,969 with 92 veterans driven by 8 volunteer drivers. The Board of Commissioners and Sheriff Clarmont thanked the Veteran's office for their great service.

ADMINISTRATOR'S REPORT

Administrator Jeff Lawson presented an update on the Marina. The engineer is currently completing plans and specifications for the Marina project to submit to the State Waterway' staff as well as EGLE and the Army Corp of Engineers for permit review.

Administrator Jeff Lawson presented and update on the Phone System Replacement. Consultant is currently completing the RFP Packet for the project, which will be sent to vendors to receive proposals.

Administrator Jeff Lawson presented an update on the Indigent Defense. The Michigan Indigent Defense Commission (MIDC) is expected to adopt new standards within the next year requiring indigent defense services be separated from the Court and that the program be administered by an attorney. Several Counties throughout Northern Michigan have discussed the possibility of implementing a regional inter-local agreement for indigent defense counsel administration. Crawford County has indicated that they have the staff and capacity to provide these services to several counties in the region and have provided a draft agreement for review. Staff will be reviewing the proposal and discussing this with our courts and contract attorneys to receive input.

Committee Appointments

Commissioner Sangster attended a Board Appointments & Procedures Meeting on July 18th and would recommend the following appointment.

Motion by Commissioner Sangster, seconded by Commissioner Gouine, to accept the recommendation of the Board Appointment & Procedures to appoint Sharen Lang to the Economic Development Corporation with a six (6) year term effective July 23, 2019 and ending on September 30, 2025. Motion carried with 7 yes, 0 no and 0 absent.

OLD BUSINESS – None

NEW BUSINESS

Finance Director James Manko presented the Crime Victims' Rights Application for 2020. This grant is between the Michigan Department of Health & Human Services and the County of Cheboygan. This grant offsets the cost for Victims Rights Services provided through the Prosecutor's Office. This grant is applied for each fiscal year and is included in the General Fund Budget. Since the agreement is between the State and the County, the Prosecuting Attorney is requesting the Board's approval.

Motion by Commissioner Warfield, seconded by Commissioner Matelski, to authorize Grant acceptance and execution of all other necessary Grant documents by the County Chairperson after review from the County Finance Director and Legal Counsel. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Finance Director James Manko presented the 2020 Budget Process Timeline. As prescribed in the Budget Adoption and Amendment Policy, "a budget timeline shall be presented and approved by the Board of Commissioners prior to the inception of budget preparation." The timeline outlines a process similar to prior years with the public hearing and final adoption occurring at the last Finance Business meeting of the 2019 fiscal year.

Motion by Commissioner Sangster, seconded by Commissioner Tryban, to approve the 2020 Budget Process Timeline as presented. Motion carried with 7 yes, 0 no and 0 absent.

CITIZENS COMMENTS - None

BOARD MEMBER COMMENTS

Commissioner Newman commented that these were good presentations with a lot of good information.

Commissioner Matelski questioned if the concrete work would be finished this year at the Animal Shelter.

Commissioner Tryban agreed with Commissioner Newman and wanted to thank the two Honorable Judges for their great reports along with the Veterans Services Director Rick Wile's report.

Commissioner Wallace commented on the SUD Admissions Detail Report of 10/1/18 and 6/30/2019 that he handed out including a pie chart for the region, which showed the names and percentages of drugs that were being used.

Motion by Commissioner Warfield, seconded by Commissioner Newman to adjourn to the call of the chairperson. Motion carried with 7 yes, 0 no and 0 absent. Meeting adjourned at 11:28 a.m.

Karen L. Brewster
Cheboygan County Clerk/Register

John B. Wallace
Chairperson