

**Cheboygan County Board of Commissioners  
Committee of the Whole Meeting  
July 28, 2020**

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 9:31 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 Commissioner Gouine led the Pledge of Allegiance

**Public hearing opened at 9:34 a.m.**

Planning and Zoning Director Michael Turisk explained that the public hearing gives notice of the closeout of grant MSC-2015-0730-HOA Community Development Block Grant (CDBG) Funding for Homeowner Rehabilitation Projects. In 2015, the Michigan Economic Development Corporation (MEDC) awarded the Cheboygan County Home Improvement Loan Services program a Community Development Block Grant (CDBG) (Grant No. MSC-2015-0730-HOA) in the amount of \$186,440 in order to serve our continuing efforts in funding certain homeowner rehabilitation projects in Cheboygan County. Upon completion or closure of the CDBG-approved activities and/or the expenditure of CDBG funds with respect to a specific grant, the Unit of General Local Government (UGLG) enters the final phase in the grant management process, known as *grant closeout*. As part of the closeout process, the UGLG must advertise and hold a closeout public hearing in order to, in part, discuss program-related accomplishments funded by the grant. The closeout process encompasses a series of activities to verify funds have been spent in accordance with grant administration requirements and to determine if the UGLG complied with all applicable program rules in the administration and implementation of the award. The CDBG project benefited at least 51% low to moderate income persons; no persons were displaced as a result of the projects. Grant No. MSC-2015-0730-HOA was considered closed by the MEDC on December 31, 2017 (with a remaining balance in the amount of \$25,290.30). There were nine (9) home repair projects funded and completed during this grant cycle, which included, for example, lead-based paint remediation and repair and/or replacement of drywall; flooring; hot water heaters; plumbing components; roofing, windows, sump pumps and wells. An extension was approved for the close of the 2018-2019 grants until August 31, 2020 in part due to COVID-19. Currently, there were five (5) projects pending with one (1) project underway and working on getting another one (1) started under the deadline before it closes.

No public comment.

**Motion** by Commissioner Tryban, seconded by Commissioner Matelski to close the public hearing. Motion carried with 7 yes, 0 no and 0 absent.

**Public hearing was closed at 9:43 a.m.**

*Motion by Commissioner Warfield, seconded by Commissioner Newman, to approve the agenda as presented. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.*

**CITIZENS COMMENTS**

Chairman of the Veteran's Memorial Park Committee, Tom Smith gave an update on the Veteran's Park Remodeling. Last week, Barber Masonry and Construction started digging the

ground up for the installation of the six (6) tablets for the veterans of the different wars and six (6) flags and a little bit of the sidewalk. An open house is scheduled at 2 P.M. on August 23<sup>rd</sup> to celebrate the completion of the second phase and everyone is invited to come down to the park on Court Street. He also stated that the fundraising is going pretty well.

### **SCHEDULED VISITORS/DEPARTMENT REPORTS**

CEO Christine Gebhard presented the North Country Community Mental Health 2019 Annual Report. North Country Community Mental Health serves six (6) counties in Northern Michigan and is the public mental health authority that provides services for people with serious and persistent mental illnesses, children with serious emotional disturbances or people with intellectual or developmental disabilities. Significant progress was made in their three-year strategic plan to advance their information technology infrastructure. Investments included implementing a cloud-based phone system, numerous security enhancements, expanding data intelligence capabilities, and implementing a patient portal and health information exchange through their electronic healthy record. This investment was crucial for the delivery of integrated behavioral and physical healthcare. The enhancements made in 2019 enabled us to immediately continue client services via telephone and telehealth, and to transition staff working safely from home during the COVID-10 pandemic. North County partnered with area hospitals – McLaren Northern Michigan, and Munson Healthcare at Otsego Memorial Hospital, Charlevoix Hospital, and Kalkaska Memorial Health Center to staff dedicate emergency services specialists for crisis screenings in emergency departments. In March, ProtoCall Services, Inc. was contracted to provide access to their after-hours crisis services. ProtoCall's professional staff provides immediate telephonic crisis support including intervention, stabilization, and linkage to NCCMH emergency services. In 2019 NCCMH served 4,080 individuals of which were 8734 children with mental illnesses; 2,338 adults with mental illnesses; 1,008 individuals with intellectual/developmental disabilities. NCCMH had revenues of approximately \$51 million and expenditures of approximately \$51 million. There were 510 psychiatric inpatient utilization admissions; 14,948 inpatient days with an average length of stay (in days) of 11.20. The total number of persons receiving CMH Services for Cheboygan County was 692. The cost of services provided to clients in Cheboygan County totaled \$5,841,000. Cheboygan County contributed \$111,995 last year. This was the same amount contributed every year since NCCMH has become an authority in 1997, which amount was frozen. These funds were unrestricted and CMH was able to use these funds to meet local community needs. Success stories were given for each of the six (6) counties. The Michigan Department of Health and Human Services and even nationally the services for Medicare and Medicaid had allowed them to provide services not just by telehealth, but also by telephone. North Country has not seen any of their clients showing up in the emergency rooms with any frequency, but they have seen an increase in the community at large. The Adult Foster Care Homes in each of the counties have had no cases reported and are doing well. Last month the offices have been reopened to see people on an urgent basis. The Petoskey Clubhouse has also recently opened. NCCMH appreciates the support of the Board of Commissioners and Commissioner Newman who sits on the NCCMH Board.

53<sup>rd</sup> Circuit Court Judge Gauthier presented the 2019 Circuit Court's Annual Report. 2019 was his first year on the bench, having been appointed in December of 2018. There were changes to the Drug Court Program in line with the latest research and best practices, and the continuance to resolve cases, collect fines and costs, and enforce child support within the parameters of state guidelines. The jurisdiction of the Circuit Court includes felony criminal cases, civil cases with claims of more than \$25,000 in damages, cases where a party is seeking an injunction, and cases involving real property (such as title disputes, easements, and waterfront rights). The Circuit Court also hears appeals from the decisions of the District Court

and other administrative bodies (such as zoning matters and driver license appeals). The family division of the Circuit Court handles domestic relations cases (such as divorce, paternity, and custody) and personal protection orders. The mission of the 53<sup>rd</sup> Circuit Courts is to administer criminal justice and resolve civil disputes in a way that respects public resources, protects individual rights, and promotes public confidence in the rule of law.

Increased Communication: One of the highest priorities on taking office was to increase the communication between the Court and various stakeholders, which was done in various ways as follows: Visiting every municipal and township board in Cheboygan County to give an update on the business of Circuit Court and answer any questions about general Court procedures; formed a Courthouse Security Committee in both Cheboygan and Presque Isle Counties; outreach to the community with a local presentation about the Opioid Crisis; increase communication with the local attorneys by instituting periodic “bench-bar” lunch meetings to discuss local practices and procedures and receive input about making them more efficient for attorneys; Cheboygan County Judges instituted a monthly meeting to address any procedural issues that affect the courts jointly; and during 2020 and the COVID pandemic, conducted many hearings over Zoom videoconferencing technology. Circuit Court increased efficiency: Criminal case scheduling with many criminal hearings being held in a “cattle call” fashion, with several cases scheduled at the same time and also shifted to an “attorney-based” scheduling system; pretrial waivers was implemented to allow attorneys to submit a written proposal for the scheduling deadlines of criminal cases, so that the defendant, victim, prosecutor and defense attorney need not attend an actual court hearing on the record to discuss the scheduling deadlines; and the jury duty process was changed to make it more cost effective and less inconvenient to citizens who are called for jury duty, which shifted to summoning smaller panels for individual cases to be tried immediately after the jury was selected. The biggest challenge in 2020 has been the temporary suspension of jury trials due to the COVID pandemic, but Circuit Court hopes to soon resume jury trials next month.

Drug Court Status/Updates: 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. Violent or sexual offenders are excluded from the program. 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 office, 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. Incentives and sanctions are used to hold participants accountable and to reward achievements. 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 44% successfully graduate. Those participants who are removed from the program are sentenced to jail or prison. The graduates of the Drug Court program have lower recidivism rates than similar offenders. During 2019, the Cheboygan Drug Court admitted 19 new participants, had seven (7) graduations and eight (8) unsuccessful terminations. The total number of participants varies frequently with new admissions, graduations, and removals, but Drug Court has been averaging between 20 to 23 participants over the last year. In 2020 so far, we have had more graduations - six (6) more than removals four (4). In August of 2019, the Drug Court program achieved a milestone, celebrating its 50<sup>th</sup> successful graduation. During 2019, some changes were made to the program, affecting both the overall philosophy and the operational details. These changes introduced into the program the latest research and best practices from both national and state models. A similar change was that participants would not generally be removed from the program for relapses, even repeated failures. Work was done with the prosecutor and the team to shift our approach to methamphetamine cases, which were previously excluded from the

program. Also adjustments to medication assisting treatment, reflecting a greater openness to the latest research which shows that medications such as naltrexone, buprenorphine, and methadone can help people with serious opioid addictions. These medications have their critics, and they must be carefully administered to prevent abuse in their own right. Drug Court is primarily grant funded. In 2019, \$95,000 in state grant funds was received. In addition, the County budgeted \$22,500 as its commitment to support the Drug Court Program. \$17,248 of the local contribution was spent. During 2019, the amount paid back by participants was \$5,482. For 2020, a grant was received through Northern Michigan Regional Entity (NMRE) to help with transitional housing for male participants. We are still lacking a local option for transitional housing for female participants. A drug court program is not cheap, but it is far more cost effective than traditional approaches. It costs taxpayers about \$32,000 per year to house one offender in the state prison for one year. A year in the county jail for one (1) inmate typically costs taxpayers more than \$10,000.

Indigent Defense System: During 2019, he worked with the County Administrator to transfer the supervision of the County's Indigent Defense System out of the Circuit Court office and to an independent Attorney Manager System. Shifting the program out of the office was an important step in maintaining judicial independence and adhering to the separation of powers.

Case filed and Resolved: In 2019, there were 201 new criminal filings and 301 new civil filings (including domestic relations cases). This represents a 10% increase in new criminal filings and a 6% decrease in civil filings from the prior year. Those differences nearly even out, for about the same total number of new case filings (504 in 2018; 502 in 2019). For criminal cases, 93% of felony cases were resolved within 154 days from the bindover to Circuit Court from District Court (above the state guideline of 85%), and 100% within 301 days (above the state guideline of 98%). For general civil cases, 66% were resolved within 364 days of filing (slightly below the state guideline of 70%) and 96% within 728 days (just above the state guideline of 95%). Domestic cases were tracked differently depending on the case type, but in all categories Circuit Court were within three (3) percentage points of the state guidelines.

Collections and Bond Compliance: The Circuit Court is in compliance with the Michigan Supreme Court's standards for a court collections program for criminal fines, costs, and restitution. In 2019, collection totaled \$204,068. This is consistent with the five-year average of \$207,170 (this five-year average excludes two (2) unusually large restitution cases in 2018 that are statistical outliers). Circuit Court monitors compliance with bond conditions (like drug testing) in criminal cases. Computerized scheduling of who to test and how often, and keeping track of missed test or positive results. When someone is not in compliance, an order is filed for them to show cause why they should not be held in contempt.

Budget: The 2019 budget allocated a total of \$340,328, but only \$297,688 was expended. The County also budgeted a \$22,500 contribution to the Drug Court program, of which \$17,248 was spent. Presque Isle County's contribution, per a longstanding agreement between the Counties, totaled \$47,386 last year. Thus, the total funding cost of Cheboygan County for the Circuit Court in 2019 was \$267,550. This total cost has been fairly consistent in recent years – the five-year average is \$261,961.

Friend of the Court: During 2019, the FOC has 1,181 open cases, with a total amount of support distributed over \$2.79 million. Cheboygan's rate of collection was 75.69% (above the statewide average of 71.42%). Their rate of collection on arrears (past due support) was 85.92%, far surpassing the statewide average of 65.8%. FOC conducted 51 mediations, resolving all but two of those cases by helping the parties reach an agreement. In addition, the FOC conducted 90 custody and parenting time investigations. The FOC also uses an attorney

referee system that helps resolve custody and parenting time disputes and actively monitors compliance with support orders.

2020 has brought other challenges, including some major unforeseen ones surrounding the pandemic that Circuit Court was still working through and Judge Gauthier looks forward to continuing to service the community.

### **ADMINISTRATOR'S REPORT**

Administrator Jeff Lawson presented an update on the O.E.M. Dissolution. Emmet County has been contacted by another MI County that they are interested in the F-350 pick-up truck and communication trailer. Discussions have begun concerning the purchase price. Once sold, cash assets will be distributed by agreement percentage to each unit after final O.E.M. liabilities are paid.

Administrator Jeff Lawson presented an update on the Veterans Department Subcommittee Survey. Staff distributed a draft copy of a Veterans Department Customer Survey to each of the Board of Commissioner's. Prior to the distribution of the survey to Veterans, staff would recommend providing the draft copy to the appointed members of the Veterans Subcommittee to receive feedback of the final survey questions.

Administrator Jeff Lawson presented an update on the Economic Development Committee. The EDC met on July 22, 2020 and provided a recommendation to the Board of Commissioners to modify the appointments on the EDC from three (3) members from the Board of Commissioners and six (6) from the public, to two (2) members from the Board of Commissioners and seven (7) from the public. EDC Discussed 2009-2015 Economic Development Plan. Commission members agreed that the document is a good base plan and only needs minor edits to bring up to date. EDC Member Lange volunteers to review the document and provide suggested edits to the EDC for review. The EDC also identified areas of focus are communications, technology and education and that it would be beneficial to conduct outreach to various groups within the County to introduce the efforts of the EDC.

Administrator Jeff Lawson presented an update on the Straits Regional Ride. The Title IV Plan for SRR has to be readopted at the next meeting, which will be put on the consent agenda.

Administrator Jeff Lawson presented an update on the Conditional Rezoning in Benton Township for a Dollar Store. Staff received a withdrawal for the application.

Administrator Jeff Lawson presented on a Straits Regional Ride Bus. Staff had to return a bus back to Grand Rapids because the air conditioner wasn't working.

**OLD BUSINESS** – None

### **NEW BUSINESS**

Sheriff Dale Clarmont presented the 2020 Mobile Data Terminals. The Cheboygan County Sheriff Department is requesting the Cheboygan County Board of Commissioners approve the purchase of four (4) Mobile Data Terminals (MDTs) to include necessary accessories and installation for outfit of patrol vehicles.

**Motion** by Commissioner Warfield, seconded by Commissioner Tryban, to approve the purchase of four (4) GETAC Mobile Data Terminals (MDTs) to include necessary accessories

and installation and authorize the necessary budget adjustments. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Administrator Jeff Lawson presented the Establishment of a Veterans Subcommittee. This would consist of representatives from Veterans Service Organizations serving the County, at large members and a member of the Board of Commissioners. Subcommittee would serve as liaison contact between the County and the Veterans Service Organizations providing a platform to distribute educational material from the department concerning Veterans services; relay any concerns that members may receive that affect Veterans; review aggregated survey responses completed by Veterans related to customer service received by the department; provide suggestions to the department to improve customer service and review the department's annual report. Once established the Board Appointment and Procedures Committee will provide a recommendation of members to appoint to the Board of Commissioners. Discussion was held.

**Motion** by Commissioner Newman, seconded by Commissioner Gouine, to establish a Veterans Subcommittee consisting of nine (9) members. One member from each of the six Veterans Service Organizations located in the County, two (2) at large members and one (1) member from the Board of Commissioners. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Auditor Joe Verlin presented that 2019 Cheboygan County Audit and the 2019 SRR Audit. Audit Principal Joe Verlin from Gabridge & Company presented the Audit of the financial statement of Cheboygan County for the year ending December 31, 2019. The financial statements for the County of Cheboygan for the year ending December 31, 2019 were presented *by Gabridge & Company*. Gabridge & Company is a CPA firm located in Grand Rapids, Michigan. The field work was completed during this unique time of the pandemic. The audit contained a clean “unqualified” opinion. The County’s financial statements are free of material budget violations and deficit fund balances. The report was submitted to the State of Michigan before the deadline of July 30, 2020.

Audit Principal from Gabridge & Company, Joe Verlin presented the audit of the financial statements of Straits Regional Ride for the year ending September 30, 2019. This year’s audit was performed by Gabridge & Company; the same auditors that performed the County-wide audit. Although the financial statements for Cheboygan County for the year ending December 31, 2019 contained information on Straits Regional Ride (SRR), MDOT requires that a separate audit be performed in accordance with the Audit Guide for Transportation Authorities and Agencies in Michigan. The audit fieldwork took place during this unique time of the pandemic. The audit contained a clean “unqualified” opinion. The report was submitted to the State of Michigan before the deadline of July 30, 2020.

**Motion** by Commissioner Sangster seconded by Commissioner Newman, to accept the December 31, 2019 audited financial statements for Cheboygan County. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

**Motion** by Commissioner Tryban, seconded by Commissioner Matelski, to accept the September 30, 2019 audited financial statements for Straits Regional Ride. A roll call was taken. Motion carried with 7 yes, 0 no and 0 absent.

**CITIZENS COMMENTS** - None

**BOARD MEMBER COMMENTS** - None

**Motion** by Commissioner Newman, seconded by Commissioner Warfield, to go into closed session at the request of Jeffrey B. Lawson, an employee of the county, and pursuant to Section 8(a) of the Open Meetings Act, being MCL 15.268(a), to consider a periodic personal evaluation on him. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

**ENTERED INTO CLOSED SESSION AT 11:32 a.m.**

**RETURNED TO OPEN SESSION AT 11:43 a.m.**

Commissioner Wallace presented the County Administrator's Contract Extension. The Board of Commissioners completed evaluation of the County Administrator's performance. The agreement extends the County Administrator's Employment Agreement until July 24, 2022.

**Motion** by Commissioner Newman, seconded by Commissioner Matelski, to approve County Administrator's Contract Extension and authorize the Chair to sign. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Administrator Jeff Lawson presented an update and instructions on the Planning Commission Meeting. The meeting is scheduled for August 11, 2020 and will be an in person and remote Go To Meeting, which will be primarily held for the finding and facts of the Solar Farm.

**Motion** by Commissioner Gouine seconded by Commissioner Sangster, to adjourn to the call of the chairperson. Motion carried with 7 yes, 0 no and 0 absent. Meeting adjourned at 12:05 P.M.

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Beverly A. Laway  
Chief Deputy Clerk/Register

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John B. Wallace  
Chairperson of the Board of Commissioners