



## Cheboygan County Board of Commissioners

### *MISSION STATEMENT*

*Cheboygan County officials and staff will strive to provide public services in an open and courteous manner and will responsibly manage county resources.*

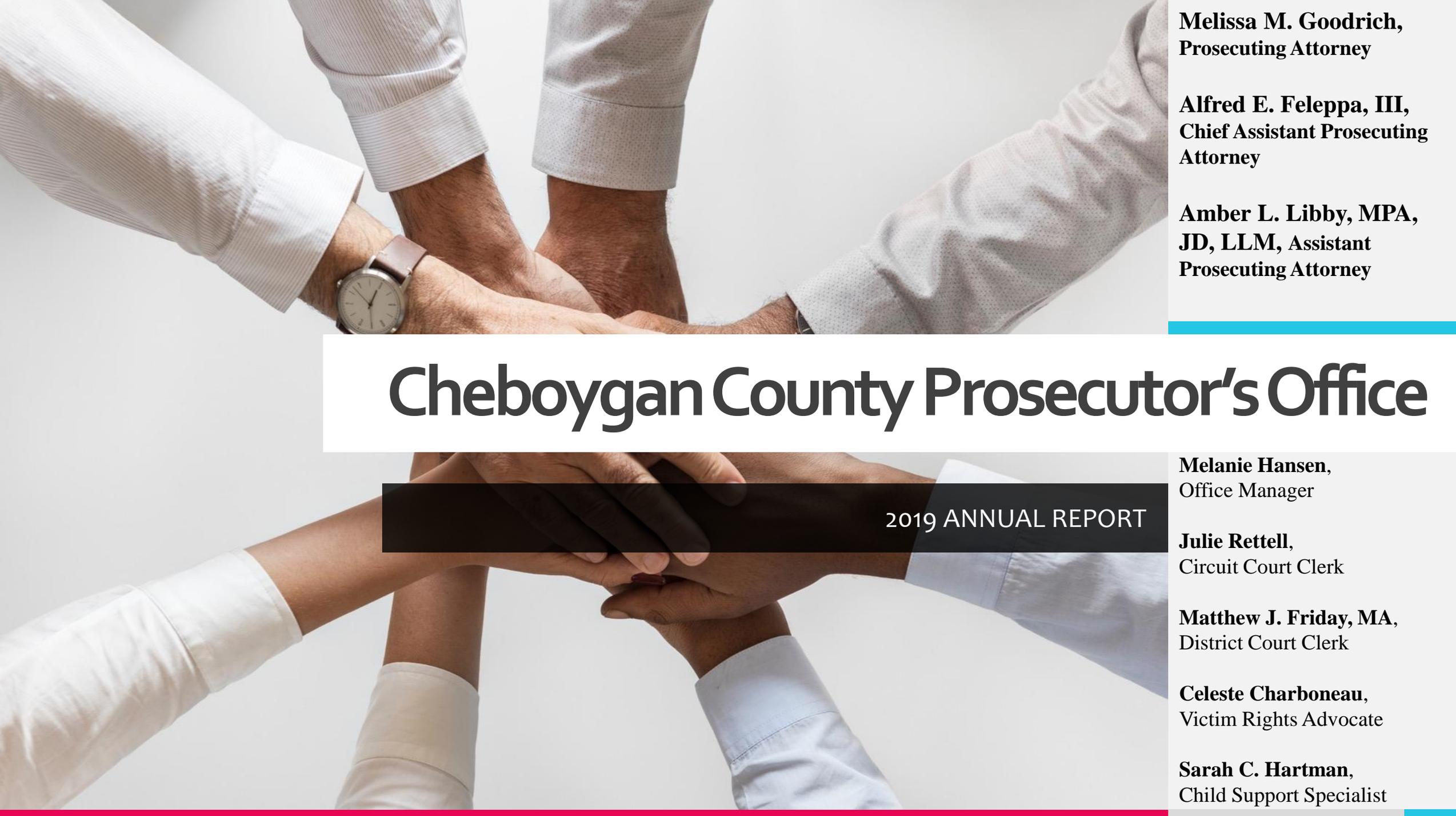
### **Committee of the Whole Meeting**

**June 23, 2020**

**9:30 a.m.**

### **Agenda**

1. **Call to Order**
2. **Roll Call**
3. **Invocation/Pledge of Allegiance**
4. **Approve Agenda**
5. **CITIZENS COMMENTS** - (3 minutes per person)
6. **SCHEDULED VISITORS/DEPARTMENT REPORTS**
  - A. Prosecuting Attorney Annual Report 2019
7. **ADMINISTRATOR'S REPORT**
8. **OLD BUSINESS**
9. **NEW BUSINESS**
  - A. Crime Victim Rights FY2021 Grant Application
  - B. Sale Proceeds Report
  - C. MDCGP and Edward Byrne Memorial Justice Assistance Grant Applications and Certification
  - D. 2020 Salary and Wage Resolution – Non-Union General Employees #19-17- Amendment#1 – Probate Court
  - E. FOIA Resolution No. 2020-10
10. **BOARD MATTERS FOR DISCUSSION**
11. **CITIZENS COMMENTS**
12. **BOARD MEMBER COMMENTS**
13. **ADJOURN TO THE CALL OF THE CHAIR**



**Melissa M. Goodrich,**  
Prosecuting Attorney

**Alfred E. Feleppa, III,**  
Chief Assistant Prosecuting  
Attorney

**Amber L. Libby, MPA,**  
JD, LLM, Assistant  
Prosecuting Attorney

# Cheboygan County Prosecutor's Office

2019 ANNUAL REPORT

**Melanie Hansen,**  
Office Manager

**Julie Rettell,**  
Circuit Court Clerk

**Matthew J. Friday, MA,**  
District Court Clerk

**Celeste Charboneau,**  
Victim Rights Advocate

**Sarah C. Hartman,**  
Child Support Specialist

# 2019 Annual Report

*by Melissa M. Goodrich, Prosecuting Attorney*

## Introductory Year

I was appointed Cheboygan County Prosecuting Attorney on January 1, 2019, and sworn in by the Honorable Aaron J. Gauthier on that date. Prior to that, I served as Assistant Prosecuting Attorney for Cheboygan County for two years, and I brought to the office 16 years of legal experience.

I was fortunate to take on the position with an already solid foundation built by former Prosecutor Daryl Vizina. One of the most important steps to build upon that foundation was to fill vacancies and form a team. Our office spent most of 2019, building that positive collaboration and we experimented with how to assign job duties to maximize productivity, achieve efficiency, and accentuate each person's positive attributes. (Little did we know at the time how important that would be and how much our efforts would pay off in 2020.)

It is the hope that this 2019 Annual Report outlines our united effort in making the Cheboygan County Prosecutor's Office the best it can be and our efforts to improve upon that every day. Additionally, we can give you information and state statistics for your review, but I am most proud of the relationships we have formed with law enforcement, social workers, counselors, opposing counsel and their office staff, victims and their families, judges along with their staff, and other community leaders. A positive reference from any one of them is the highest compliment our office can receive.

As to our role for enforcing the law, I believe our office collectively believes that justice can be achieved through preparation, respect, fairness, and civility, and our goals are focused on rehabilitating a Defendant, when possible, in a reasonable proportion to protecting our community.



# 53<sup>RD</sup> CIRCUIT COURT

Melissa M. Goodrich, Prosecuting Attorney

Julie Rettell, Circuit Court Clerk

# 53<sup>rd</sup> CIRCUIT Court 2019 Annual Report

*by Melissa M. Goodrich, Prosecuting Attorney*

Felonies and high court misdemeanors start with an arraignment in district court. (Felonies are any crime where the punishment is more than 1 year. High Court Misdemeanors are crimes where the punishment is 2 years.) The MIDC contract now provides a defense attorney at every arraignment, so the Prosecutor's office now attends every arraignment. This required additional hours out of the office to be in the courtroom, but we felt it was important to keep the balance in the courtroom, represent the victim's rights, and the three prosecutors alternate days to attend them.

The next hearing is a felony pretrial, and if the case is not resolved, the Defendant is entitled to a preliminary exam. The preliminary exam requires the prosecutor to show there is probable cause that a crime was committed and the Defendant more likely than not committed it. There are times when a felony case is resolved in district court with a misdemeanor plea. If it is not resolved, then the case is bound over to circuit court where there is another arraignment, at least one docket call, and if no resolution, a bench or jury trial.

In 2019, there were 222 felony/high court misdemeanor cases authorized and 14 cases denied. Out of the 222 authorized felony cases, 555 counts were charged. Out of the 222 felony/high court misdemeanors, 201 went to circuit court for resolution.

I also participate in the Cheboygan County Drug Court program. The Defendant must fill out an application then submit to me for review and approval after which the team reviews the application and votes on admission. It also involves attending a weekly Tuesday meeting to review the participant's progress and attend hearings where the Defendant updates the Court on how the services are helping their lives as well as what struggles they are facing.



# 89<sup>TH</sup> DISTRICT COURT

Amber L. Libby, MPA, JD, LLM, Assistant Prosecuting Attorney

Matthew J. Friday, MA, District Court Clerk

# 89<sup>th</sup> District Court 2019 Annual Report

*by Amber Libby, MPA, JD, LLM, Assistant Prosecuting Attorney*

## APA & Training

I have been with the Cheboygan County Prosecuting Attorney's Office since January 7, 2019. As Assistant Prosecuting Attorney, I represent the People of the State of Michigan and I am assigned to the 89<sup>th</sup> District Court in Cheboygan County.

The primary duties of the Assistant Prosecuting Attorney are to review and authorize/deny criminal warrant requests for misdemeanor offenses and to manage misdemeanor caseload housed within the 89<sup>th</sup> District Court, which primarily includes misdemeanor and traffic offenses, as well as dangerous animal and animal forfeiture civil cases.

In 2019, I completed training including Advanced OWI Training, Marijuana Law & OWI Cases, Advanced Roadside Impaired Driving Enforcement Training (ARIDE), Total Trial Advocacy, Prosecuting the Drugged Driver.

I am also a Ph.D candidate in the School of Criminal Justice, Justice Administration at Walden University of Minnesota.

## Updated Pretrial Procedures

89<sup>th</sup> District Court updated pretrial procedures largely due to the implementation of the Michigan Indigent Defense Counsel (MIDC) Contract. Prosecutors rotate daily attendance at 89<sup>th</sup> District Court arraignment hearings and defendants are afforded an opportunity to meet with MIDC attorneys to be advised of the arraignment process and to have access to legal assistance at the point where the Court addresses bond and court appointed counsel. Additionally, the Court has implemented an informal pretrial and a final pretrial hearing process for all misdemeanor cases.

Since 2019, defendants have the opportunity to meet with their attorney or proceed in pro per with the Assistant Prosecuting Attorney at all points of hearing in the misdemeanor case process.

# Significant District Court Jury Trials

**People v. Maine:** *Operating While Intoxicated, Open Container in a Vehicle* – After trial, jury found Maine GUILTY of *Operating While Visibly Impaired, Open Container in a Vehicle* on February 27, 2019.

**People v. Harris:** *Assault & Battery* – After trial, jury found Harris GUILTY of *Assault & Battery* on August 26, 2019.

# Significant Misdemeanor Pleas

**People v. Peters:** *Domestic Violence* – Peters plead guilty to *Attempt-Domestic Violence* on July 8, 2019. Peters was released from incarceration for a similar conviction of *Domestic Violence* in January 2019.

**People v. Forman:** *Operating While Intoxicated* – Forman plead no contest to *Operating While Intoxicated* and *No Proof of Insurance* on May 16, 2019. Forman drove northbound to Cheboygan County from Otsego County in the southbound lanes of I-75 Hwy. for over 20 miles with a .14 BAC. Forman served 93 days in jail.

**People v. Sumbera:** *Disorderly Person* – Sumbera plead no contest to *Disorderly Person-Jostling* on June 13, 2019. Sumbera is a Kindergarten teacher with Wolverine Public Schools who picked up an autistic child by the back of his coat and dragged him 70' down the elementary school hallway. Sumbera was sentenced to 3 months' probation and to complete an Anger Management assessment and follow recommendations.

**People v. Alexander:** *Operating While Visibly Impaired, Failure to Report Accident* – Alexander plead guilty to *Operating While Visibly Impaired* and *Failure to Report an Accident* on September 26, 2019. Alexander was sentenced to 30 days in jail, 2 days with the Cheboygan County Sheriff's Department Work Crew, 12 months' probation and to complete Substance Abuse assessment and follow recommendations.

**People v. Gleason & People v. Waller-Gleason:** *Retail Fraud 3<sup>rd</sup> Degree* – Gleason and Waller-Gleason (husband and wife) each plead guilty to *Retail Fraud 3<sup>rd</sup> Degree* on September 26, 2019. On July 15, 2019, this couple under-scanned over \$100.00 in merchandise at Wal-Mart in Cheboygan, MI. Gleason was sentenced to 30 days in jail and Waller-Gleason was sentenced to 93 days in jail.

**People v. Saile:** *Operating While Visibly Impaired* – Saile plead guilty to *Operating While Visibly Impaired* on August 22, 2019. Saile crashed into parked vehicles at Junction 33 Collision in Cheboygan, MI on July 6, 2019 with a .197 BAC. The crash damaged customer vehicles parked at Junction 33 Collision, set fire to and totaled Saile's vehicle, and Saile suffered bodily injury. Saile was sentenced to 6 months' probation and to complete Substance Abuse assessment and follow recommendations. APA Libby secured \$8,387.98 in restitution for the damages suffered by Junction 33 Collision business owners.

**People v. Jenkinson & People v. Waldie:** *Careless Discharge of a Firearm* – Jenkinson and Waldie plead guilty to *Careless Discharge of a Firearm* on November 27, 2019. Jenkinson and Waldie shot over 20 rounds of ammunition into the home of Ronald and Hazel Barringer in Afton, MI while they were present in the home on July 14, 2019. No one was physically injured. Jenkinson and Waldie were both sentenced to 4 months' probation. APA Libby secured \$16,075.00 in restitution, joint and several, for the damages to the Barringer home.

**People v. Kolson:** *Operating While Intoxicated* – Kolson plead guilty to *Operating While Intoxicated* on September 12, 2019. Kolson drove her vehicle into the ditch on S. River Rd. in Cheboygan, MI at approximately 6:00 PM with a .336 BAC. Kolson was sentenced to 93 days in jail, 30 days to be served immediately, 12 months' probation, and to complete a Substance Abuse assessment and follow recommendations.

**People v. Rolinski:** *Operating While Visibly Impaired* – Rolinski plead guilty to *Operating While Visibly Impaired* on January 17, 2019. Rolinski fled the scene of Malicious Destruction of Property at a Wilmot Township residence with her two children while under the influence of alcohol. Rolinski had a .12 BAC at the time of the offense. Rolinski was sentenced to 93 days in jail, credit for 2 days previously served.

**People v. Wilkinson:** *Operating While Visibly Impaired* – Wilkinson plead guilty to *Operating While Visibly Impaired* on March 21, 2019. Wilkinson crashed her vehicle into the ditch near US-23 Hwy. and N. Hebron Mail Rd. while under the influence of alcohol. Wilkinson had a .13 BAC and was on bond for *Operating While Intoxicated* in Mackinac County, MI at the time of the offense.

# Sobriety Court

Assistant Prosecuting Attorney attends Cheboygan County Sobriety Court Team meetings every Monday morning to discuss the status of current Sobriety Court participants. The Cheboygan County Sobriety Court team is comprised of Judge Maria I. Barton, Dale Selin, Kim Tilton, Jodi Barrette of the 89<sup>th</sup> District Court, Assistant Prosecuting Attorney Amber Libby, Criminal Defense Attorney James Gilbert, D./Lt. Michael Brege of Cheboygan County Sheriff's Department, Kathy Mason and Kim Lytle of Harbor Hall. Additionally, Assistant Prosecuting Attorney attends Cheboygan County Sobriety Court meetings in the 89<sup>th</sup> District Courtroom every Monday morning wherein Sobriety Court participants report to the Court.

In 2019, the Cheboygan County Sobriety Court Program:

- Graduated five (5) participants from Program as successful.
- Discharged two (2) participants from Program as unsuccessful.
- Admitted nine (9) new participants.
- Maintained 14 active participants as of December 2019.

Assistant Prosecuting Attorney attended the annual training conference in Lansing, MI for Michigan Association of Treatment Court Professionals (MATCP) on March 28 & March 29, 2019.

# Other duties of the Assistant Prosecuting Attorney

The Cheboygan County Prosecutor's office has jurisdiction to represent petitioners in Personal Protection Order (PPO) violation matters in the 53<sup>rd</sup> Circuit Court.

In 2019, the Assistant Prosecuting Attorney assisted with one (1) PPO violation hearing by representing the petitioner to establish whether a violation of the PPO had taken place.



# 53<sup>rd</sup> CIRCUIT COURT: FAMILY DIVISION

Alfred E. Feleppa, III, Chief Assistant Prosecuting Attorney  
Melanie Hansen, Probate Court Clerk

# 53<sup>rd</sup> Circuit Court: Family Division/Probate Court 2019 Annual Report

*By Chief Assistant Prosecutor Alfred Feleppa*

## Truancy

In 2018 then-Prosecutor Vizina started a significant initiative to address the problem of truancy facing our community. Prosecutor Goodrich has continued this, understanding the generational benefits that flow from education. Early there was an uptick in cases – in particular the status offense of truancy, a *non-misdemeanor*, bringing a number of youth and their families to Court. This office extends delays of adjudication plea offers where a charge will be dismissed upon successful completion of probation and the accompanying improvement in attendance and behaviors. These delays are something we do in a majority of the petitions filed against youth. The Prosecutor's Office typically is not seeking to label these youth with convictions, but rather have them benefit and grow through having a Judge order services.

Due to the COVID-19 pandemic closing schools on March 16, 2020, we are unable to statistically verify improvements. Mid-March is typically the time of year where many of these youth reach thresholds for charging (i.e. having 20 unexcused absences), or where school has exhausted resources with unruly students. Casual observation, however, appears to reflect that the volume and severity appear to be declining.

# Compass

Another recent change has been being a team-member for the COMPASS program. I've attended most of the Thursday staffing and youth meetings where we are following the Treatment Court model of intensive probation oversight with close judicial involvement. This model of intensive probation, structured schooling, and close judicial oversight has yielded two improvements:

There are several youth that were not sent to residential placement facilities. Those facilities are both expensive and ultimately the youth returns to their home where growth needs to occur.

These youth have made measurable personal improvements through quality counseling, public speaking with extensive question and answer sessions led by the Judge and involving probation officers, counselors, defense attorneys, and this Assistant Prosecutor. An intimidating crowd, but these kids are doing it.

# School Task Force

In addition to handling mental health hearings, juvenile delinquencies, and child abuse/neglect cases, the Prosecutor's Office works with the counties' schools, including Mackinac City Public Schools, Inland Lakes Public Schools, Onaway Public Schools, Wolverine Public Schools, and Cheboygan Area Schools.

The Cheboygan Prosecutor's Office has a School Task Force that meets once in the fall with the principals, superintendent, and other interested parties and visits each school. A second meeting occurs in the spring with all school districts coming together to the county building. The goal of the meetings is to identify any issues that need to be addressed related to juveniles.

# Child Protection Mediation Program Steering Committee

The Cheboygan County Prosecutor's Office is a member of the Child Protection Mediation Program Steering Committee. The committee works in conjunction with Community Mediation Services, the Court, Cheboygan County MDHHS, and other attorneys to review the child abuse/neglect case mediation system and funding.

# Representation of MDHHS

It is always the goal of the Cheboygan County Prosecutor's Office to continue to zealously represent MDHHS in child abuse/neglect matters in the county. We continue monthly meetings to review all cases with foster care workers to continue to facilitate communication regarding representation of these important matters. These services with MDHHS result in some state reimbursement for costs (at a formula that reimburses only at a 50 percent rate). It does, however, provide coordination between a criminal case and the well-being of a child going forward (i.e., prosecuting both the case involving a parent who sexually assaults their nine-year-old and the family consequences of how to parent that child).

In 2019, there were 23 abuse/neglect cases involving 42 children. There were five termination of parental rights petitions heard, resulting in rights being terminated for 12 children. The Cheboygan County Prosecutor's Office handled 91 juvenile delinquency matters. For 2019 there were 26 mental competency petitions.

# Other Duties of the Chief Assistant Prosecuting Attorney:

In addition to primarily handling matters assigned to Family Court I have been assigned duties in other Courts that are atypical and assist the other attorneys streamline their duties as well as provide benefit to the county:

- \*Responding to motions to set aside convictions;
- \*Responding to the Driver's License Appeals;
- \*Handling matters filed in the Court of Appeals;
- \*Assisting the County Treasurer at tax foreclosure in February;
- \*Handling felony cases involving child sexually abusive materials.



# VICTIM RIGHTS ADVOCATE

Celeste Charboneau

# VICTIM RIGHTS ADVOCATE 2019 ANNUAL REPORT

*By Celeste Charboneau*

The Victim's Rights Advocate position requires helping victims understand their rights and the process of court proceedings in all three courts. We also assist victims to court-hearings, talk to them about collect estimates/repair bills for their damaged property, loss wages and/or childcare, counseling services. Registering victims with the Michigan VINE system to receive court-hearing notices by phone calls, text messages and/or emails.

This position continues to be a grant-funded program by the State of Michigan through the Prosecuting Attorneys Association of Michigan (PAAM) since 1984. There are state mandated objectives that have to be met each year to receive this funding; such as submitting quarterly reports regarding our activities with victims' cases, submit the annual budget for the following fiscal year, and obtain at least 16 hours of continual educational hours by attending webinars/trainings/annual conferences that are provided through PAAM. PAAM continues to be able to fund the annual Victim's Rights Conferences free of charge to all of the advocates in Michigan. At these trainings, updated information provided to us on the continually changing case laws, restitution issues; new resources and programs that will help us service victims in Cheboygan County.

## NOVA

The State of Michigan continues to promote the NOVA program that assist with victims in mass violence situations. The Crisis Response and Victim Support trainers continue to train advocates around the state for a two-year volunteer position for statewide.

## VINE

The Michigan's VINE Services continues to notify victims of court hearing dates and times. We had 257 victims registered to receive phone calls, text or email messages for 2019; that was a decrease from 297 in 2018.

## DNA TESTING

Our new protocol regarding the defendants completing their Order for Counseling and Testing for Disease/Infection in all Criminal Sexual Conduct continues to be a great success. The Health Department has a system in place with the Cheboygan County Sheriff's Department that is working very well. Once the testing results come back at the Health Department, the results are mailed to the 53<sup>rd</sup> Circuit Court where they are filed in a sealed envelopes marked confident in the defendants files. Our victims in Cheboygan County can then request to receive copies of the test results.

# FUNDING

Prosecutor's Attorneys Association of Michigan (PAAM) has provided "mini-grants" to prosecutors' offices to assist them with funding for Crime Victims' Rights Week activities and events. These grants have been provided out of funding from our Victim Rights Unit grant. Unfortunately for this fiscal year, the funding for this grant is less than expected. Because of that, PAAM will not be able to offer these mini-grants this year.

Due to this shortage, our office and the Women's Resource Center have banded together to promote an outreach to your community by using a banner that they have and have victims/survivors write on balloons that will be displayed in the front of the county building lobby.

Our County Commissioner's graciously allow us employees to wear jeans on Fridays with a donation to the Good Neighbor Fund. This past October, our Good Neighbor Fund team allowed us employees to wear a purple ribbon in honor of Domestic Violence each Friday along with jeans. The money collected for October was donated the Women's Resource Center – Safe House. We were able to collect \$311.00 for the shelter.

# TECHNOLOGY

With last year's budget increase, I was able to buy a ProServ tablet to be able to use at meetings and conferences and still be able to communicate with victims. So when the COVID-19 pandemic, I was capable and equipped to work from home with no added expense. I have also downloaded the "ZOOM" app to use and help victims use to attend court hearings when needed or required.

# 2020 GOALS

My goal for last year was to complete the additional 100 and 200 course training for NOVA . Unfortunately, with all the changes and training with new staff members in our office, I was not able to complete. Hoping this year to be able to complete this training.



# CHILD SUPPORT SPECIALIST

Sarah C. Hartman

# Child Support Specialist 2019 Annual Report

*by Sarah C. Hartman*

## CHILD SUPPORT

Title IV-D of the Federal Social Security Act establishes the child support program and sets the requirements that all state child support programs must meet in order to receive funding. Parents and custodians can receive help in establishing and enforcing child support as well as medical support through the IV-D program.

The Child Support Specialist in the Prosecutor's Office is partnered in context with the MDHHS Office of Child Support and the Friend of the Court. The role of the Prosecuting Attorney Office is to establish orders based on referrals from the OCS (Office of Child Support). Once established, cases are moved to the FOC (Friend of the Court) for enforcement.

If a custodial parent receives any of the following: Cash assistance (Family Independence Program [FIP]), Child Development and Care (CDC), Food Assistance Program (FAP), Medicaid, or foster care, a referral is automatically sent to the Prosecuting Attorney's Office to establish paternity and/or a support order for the child or children in the home. In addition, according to new guidelines of the IV-D Act, persons not on any type of state assistance may now voluntarily request paternity or a child support order be established.

# Services provided by the Prosecuting Attorney's Office under Title IV-D of the Social Security Act:

- \*Locating parents
- \*Establishing paternity
- \*Establishing court orders for child support, medical support and child care expenses
- \*Directing parents to services that may help them in their time of need
- \*Working with other states, countries, and Tribunal nations to establish paternity or child support when one parent does not live in Michigan
- \*Referring custody and parenting time matters that are in dispute to the Friend of the Court so the matters may be resolved for the parties

*The public is welcome to visit our website which contains additional information for the Child Support Division of the Prosecutor's Office at <http://www.cheboygancounty.net/paternitychild-support-services-158/>*

# Federal Funding and the Numbers:

Funding for the Child Support Program is part federal and part county. The Federal government provides incentives money for state child support programs based on the amount of their support collections **and** performance on five factors:

**Paternity Establishment:** The number of children with paternity established or acknowledged, divided by the number of children born out of wedlock.

**Support Order Establishment:** The number of open IV-D cases with support orders, divided by the number of open IV-D cases.

**Current Support Collections:** The amount of current child support collected, divided by the total amount of current child support owed in all IV-D cases.

**Arrears Case Collections:** Total number of IV-D cases where an arrears payment was received, divided by the total number of IV-D cases where arrears are owed.

**Cost-Effectiveness:** Total amount of IV-D support collected and disbursed or retained during the fiscal year, divided by the total amount expended during the fiscal year

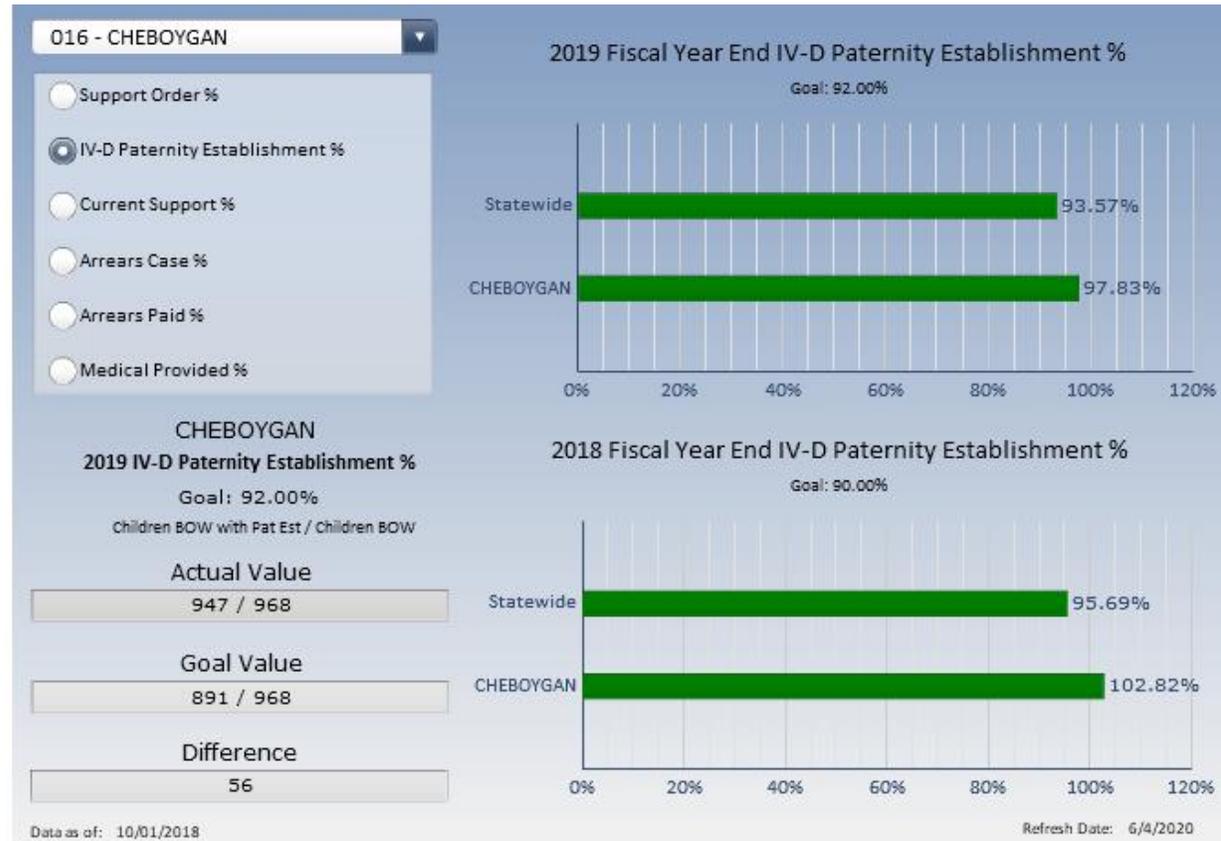
The federal government provides funding to the states and then Michigan distributes the money to each county based on the same criteria. So again, each county's incentive payment is based on its collections and influenced by its performance on the above factors. To receive the maximum incentive amount, a county must meet or exceed 80% on each measure except for cost effectiveness (the benchmark is \$5 collected for every dollar spent).

The first two factors involving paternity and support establishment reflect work done in the Prosecuting Attorney Office and the collections factors would involve work being done in the Friend of the Court Offices. The final factor, Cost-Effectiveness, would be a combination of efforts by the PA and FOC Offices.

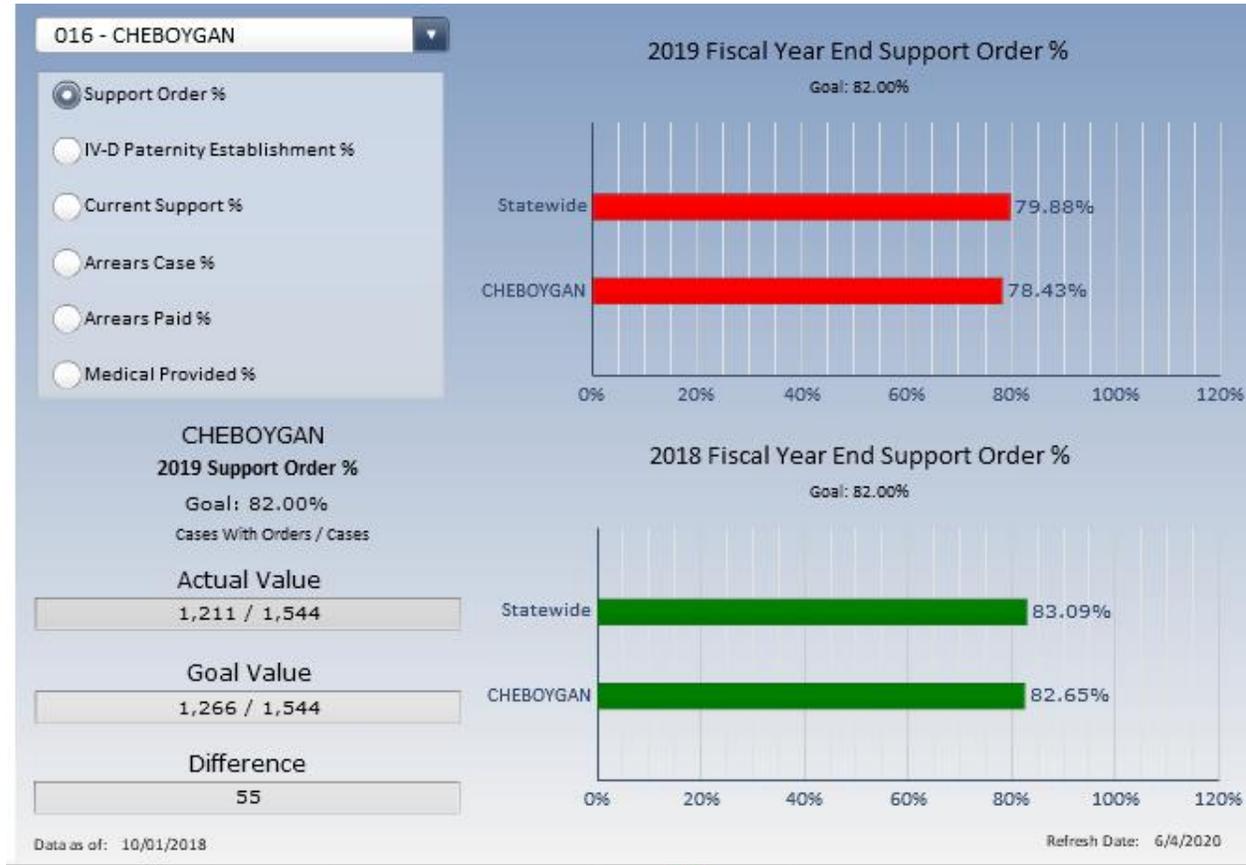
## Cheboygan County PA Office

Description	Fiscal year 10/1/2017 through 09/30/2018	Fiscal year 10/1/2018 through 09/30/2019
Referrals from the State	127	117
Children Born out Of Wedlock	997	968
Children born out of wedlock with established paternity	983	947
Paternity establishment percentage	98.6%	97.83%
Open Cases with children receiving benefits	1539	1211
Established Support Order percentage of open cases	82.65%	78.43%

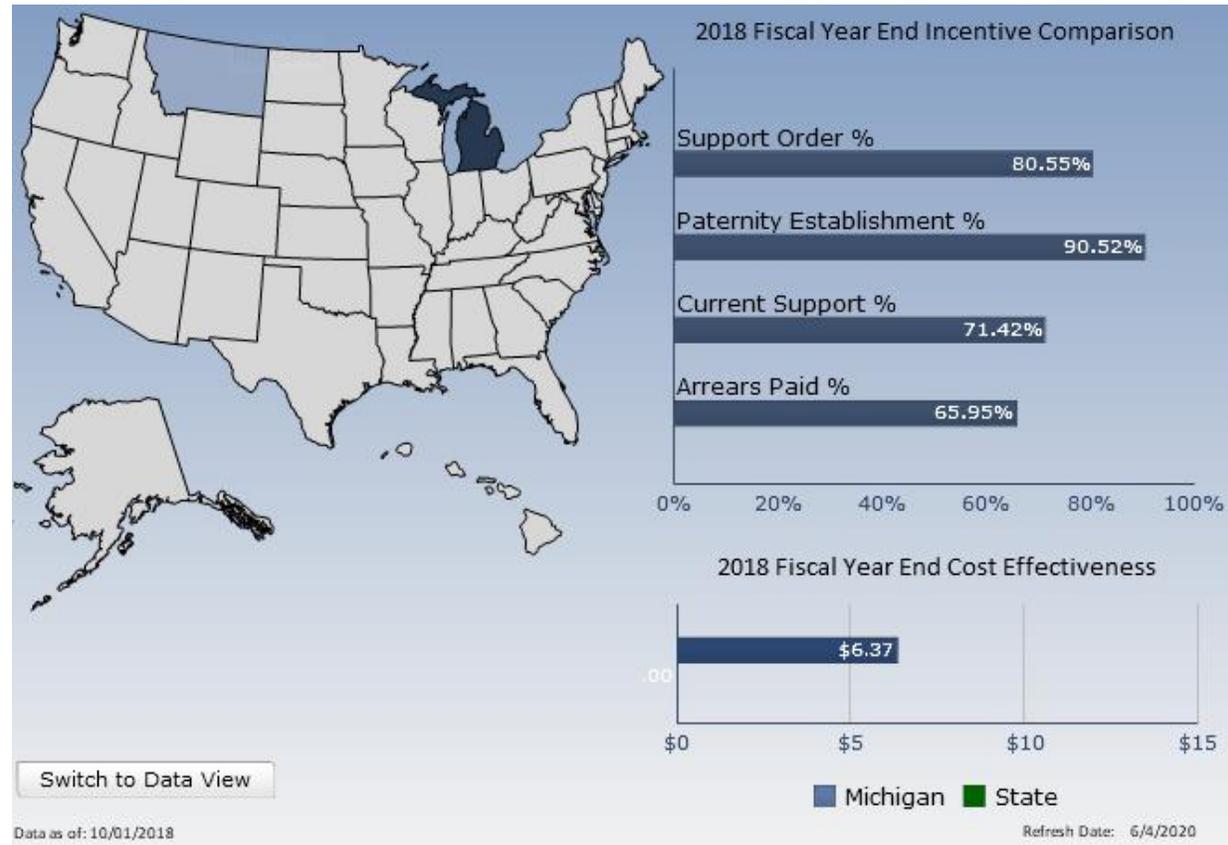
# Paternity



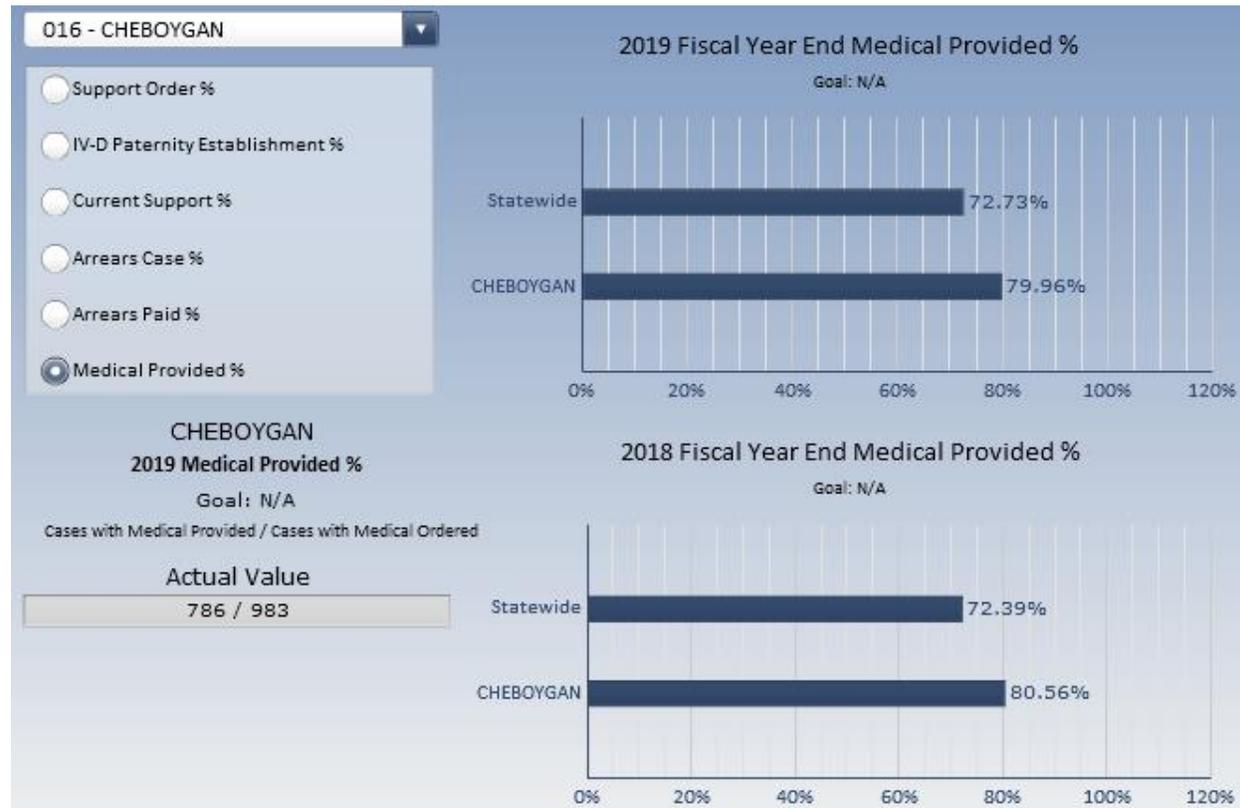
# Support Orders



# Michigan as a Whole



# Medical Support



Another significant focus of the Child Support Program is to make sure all children have medical coverage.



CHEBOYGAN COUNTY PROSECUTOR'S OFFICE



# Thank You

Office of Prosecuting Attorney



(231) 627-8450



[prosecutor@cheboygancounty.net](mailto:prosecutor@cheboygancounty.net)



County of Cheboygan



## ADMINISTRATOR'S REPORT

6-23-20

O.E.M.

DISOLUTION:

A meeting will be held next Wednesday to confirm the distribution of assets held by O.E.M. Cash assets will remain on hand until all final cost associated with O.E.M. are paid. Once all associated cost are paid for, funds will be distributed by percentage back to each unit. Physical assets that can be divided such as trailers, generators, radios etc. will be divided based on agreement percentages. Remaining larger value items such as new pick-up truck will be purchased from other units by percentage.

MARINA:

Marina staff is currently working to have three piles damaged by ice replaced at the Marina. The lowest quote is for \$16,300. This information has been provided to MMRMA for possible insurance coverage.

AUDIT:

The County's audit process continues. The State of Michigan is permitting units to request a 30 day extension to their audit process due to delays caused by COVID-19. Staff will be filling for this extension.

BUDGET:

Staff will present the 2021 Budget process timeline at the July 14, 2020 meeting.



# Cheboygan County Board of Commissioners' Meeting

Date: June 23, 2020

**Title:** Crime Victim's Rights Application for 2021

**Summary:** This grant is between the Michigan Department of Health & Human Services and the County of Cheboygan. This grant offsets the cost for Victim's 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.

**Financial Impact:** State Grant revenue totaling \$62,415.00

**Recommendation:** 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 and authorize any necessary budget adjustments. (if applicable).

**Prepared by:** Melissa M. Goodrich

**Department:** Prosecuting Attorney

FOR OFFICE USE ONLY:	Version # _____	APP # _____
----------------------	-----------------	-------------

**Demographic Information**

**1. Demographic Information**

- a. Demographic Information Name Cheboygan County of Prosecutor
- b. Organizational Unit CV0133314
- c. Address 870 S. Main St.
- d. Address 2 Rm 143
- e. City Cheboygan State MI Zip 49721-2283
- f. Federal ID Number 38-6004841 Reference No. 038622874
- g. Demographic Information fiscal year (beginning month and day) October-01
- h. Agency Type
  - Private, Non-Profit
  - Public
- 1. Select the appropriate radio button to indicate the agency method of accounting.
  - Accrual
  - Cash
  - Modified Accrual

**2. Program / Service Information**

- a. Program / Service Information Name Victim Rights Prosecutor-2021
- b. Is implementing agency same as Demographic Information  Yes  No
- c. Implementing Agency Name
- d. Project Start Date Oct-01-2020 End Date Sep-30-2021
- e. Amount of Funds Allocated \$62,415.00 Project Cost \$62,415.00

FOR OFFICE USE ONLY: Version # \_\_\_\_\_ APP # \_\_\_\_\_

**3. Certification / Contacts Information**

a. Project Director

Name Celeste Charboneau  
Title  
Mailing Address 870 S. Main St.  
City Cheboygan State MI Zip 49721-2283  
Telephone (231) 627-8879 - 0 Fax (231) 627-8405 - 0  
E-mail Address celeste@cheboygancounty.net

b. Financial Officer

Name Sue Buitenhuis  
Title  
Mailing Address 870 S. Main St.  
City Cheboygan State MI Zip 49721-2283  
Telephone (231) 627-8430 - 0 Fax  
E-mail Address sbuitenhuis@cheboygancounty.net

c. Authorized Official

Name John Wallace  
Title  
Mailing Address 870 S. Main St.  
City Cheboygan State MI Zip 49721-2283  
Telephone (231) 627-8855 - 0 Fax  
E-mail Address sbuitenhuis@cheboygancounty.net

FOR OFFICE USE ONLY:

Version # \_\_\_\_\_

APP # \_\_\_\_\_

**4. Assurances and Certifications**

**A. SPECIAL CERTIFICATIONS**

- a  By checking this box, the individual or officer certifies that he or she is authorized to approve this grant application for submission to the Department of Health and Human Services on behalf of the responsible governing board, official or Contractor.
  
- b  By checking this box, the individual or officer certifies that he or she is authorized to sign the agreement on behalf of the responsible governing board, official or Contractor.

FOR OFFICE USE ONLY:

Version # \_\_\_\_\_

APP # \_\_\_\_\_

## 5. Program Synopsis

The Cheboygan County Prosecutor's Office strives to provide extensive victim rights services to all victims of crime, pursuant to the CVRA. The victim advocate continues to enhance the Victim's Rights Unit by the following:

1. Attend trainings/webinars to benefit victims with updated/changes in case laws, programs available to them.
2. Communicate with our community resources such as the Women's Resource Center, Survivors Outreach Services, North Country Community Mental Health to be able to direct our victims for services beyond our services.
3. Updating our prosecutors of victim's needs, concerns and questions about their case and situations that arise during the court process.

## 6. Program Target Area

### Counties

Counties project will serve (check all that apply):

- |   |                                       |                                      |
|---|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> Alcona               | <input type="checkbox"/> Alger        | <input type="checkbox"/> Allegan     |
| <input type="checkbox"/> Alpena               | <input type="checkbox"/> Antrim       | <input type="checkbox"/> Arenac      |
| <input type="checkbox"/> Baraga               | <input type="checkbox"/> Barry        | <input type="checkbox"/> Bay         |
| <input type="checkbox"/> Benzie               | <input type="checkbox"/> Berrien      | <input type="checkbox"/> Branch      |
| <input type="checkbox"/> Calhoun              | <input type="checkbox"/> Cass         | <input type="checkbox"/> Charlevoix  |
| <input checked="" type="checkbox"/> Cheboygan | <input type="checkbox"/> Chippewa     | <input type="checkbox"/> Clare       |
| <input type="checkbox"/> Clinton              | <input type="checkbox"/> Crawford     | <input type="checkbox"/> Delta       |
| <input type="checkbox"/> Dickinson            | <input type="checkbox"/> Eaton        | <input type="checkbox"/> Emmet       |
| <input type="checkbox"/> Genesee              | <input type="checkbox"/> Gladwin      | <input type="checkbox"/> Gogebic     |
| <input type="checkbox"/> Grand Traverse       | <input type="checkbox"/> Gratiot      | <input type="checkbox"/> Hillsdale   |
| <input type="checkbox"/> Houghton             | <input type="checkbox"/> Huron        | <input type="checkbox"/> Ingham      |
| <input type="checkbox"/> Ionia                | <input type="checkbox"/> Iosco        | <input type="checkbox"/> Iron        |
| <input type="checkbox"/> Isabella             | <input type="checkbox"/> Jackson      | <input type="checkbox"/> Kalamazoo   |
| <input type="checkbox"/> Kalkaska             | <input type="checkbox"/> Kent         | <input type="checkbox"/> Keweenaw    |
| <input type="checkbox"/> Lake                 | <input type="checkbox"/> Lapeer       | <input type="checkbox"/> Leelanau    |
| <input type="checkbox"/> Lenawee              | <input type="checkbox"/> Livingston   | <input type="checkbox"/> Luce        |
| <input type="checkbox"/> Mackinac             | <input type="checkbox"/> Macomb       | <input type="checkbox"/> Manistee    |
| <input type="checkbox"/> Marquette            | <input type="checkbox"/> Mason        | <input type="checkbox"/> Mecosta     |
| <input type="checkbox"/> Menominee            | <input type="checkbox"/> Midland      | <input type="checkbox"/> Missaukee   |
| <input type="checkbox"/> Monroe               | <input type="checkbox"/> Montcalm     | <input type="checkbox"/> Montmorency |
| <input type="checkbox"/> Muskegon             | <input type="checkbox"/> Newaygo      | <input type="checkbox"/> Oakland     |
| <input type="checkbox"/> Oceana               | <input type="checkbox"/> Ogemaw       | <input type="checkbox"/> Ontonagon   |
| <input type="checkbox"/> Osceola              | <input type="checkbox"/> Oscoda       | <input type="checkbox"/> Otsego      |
| <input type="checkbox"/> Ottawa               | <input type="checkbox"/> Presque Isle | <input type="checkbox"/> Roscommon   |
| <input type="checkbox"/> Saginaw              | <input type="checkbox"/> St. Clair    | <input type="checkbox"/> St. Joseph  |
| <input type="checkbox"/> Sanilac              | <input type="checkbox"/> Schoolcraft  | <input type="checkbox"/> Shiawassee  |
| <input type="checkbox"/> Tuscola              | <input type="checkbox"/> Van Buren    | <input type="checkbox"/> Washtenaw   |
| <input type="checkbox"/> Wayne                | <input type="checkbox"/> Wexford      | <input type="checkbox"/> Out Wayne   |

### U.S. Congressional, State and House Districts

U.S. Congressional Districts

US Congress District 1

State Senate District

State Senate District 37

State House Districts

State House District 101

7. **Mission Statement**

The **MISSION STATEMENT** of the Cheboygan County Prosecuting Attorney's Office is to pursue results in all cases that serve the interests of justice. In our pursuits, we hope to act in a fiscally responsible fashion, provide quality service and be proactive in community education and progressive with addressing community issues.

8. **Project Resources**

**Provide a general description of staff needed to implement Victims Rights in your county. Identify the most critical activities that you perform when providing victim rights.**

Our county currently has 1 full time employee at 35 hours a week, funded through our State's Victim Rights contract. The Crime Victim Rights Advocate/Coordinator provides Crime Victim Right's services to victims involved with a criminal case for all 3 courts in our county (District, Circuit & Probate-Family). She works closely with our county's Women's Resource Center & Survivor's Outreach Services regarding their contracted services for our Domestic Violence and Sexual Assault victims. The Crime Victim Right's Advocate/Coordinator is also responsible for all the fiscal and quarterly reporting to the Victim Services Commission.

**If you utilize the services of volunteers in the provision of Victim Rights, please explain how this is accomplished.**

Our Victim's Rights program does not use volunteers.

9. **Michigan Victim Information and Notification Everyday (MI-VINE)**

Does your agency participate in MI-VINE?

Yes  No

Provide the number of victims registered to use MI-VINE in your county for court events during the past calendar year.

156

To obtain statistics for number of Victims Registered with MI-VINE visit the website <https://www.vinewatch.com/vinewatch/>

**Please describe your programs efforts to utilize MI-VINE.**

Our County utilized the MI-VINE system for most of our adult misdemeanor and felony cases. Our county is small enough for me to reach out to most of our victim cases and encourage them to register with the program to receive a phone call, text message or email message for all court hearing dates and times.

10. **Community Coordination**

**1. Community Coordination Activity 1 - Describe any community activities, projects, or coordination councils that your office is involved in to promote Victim Rights and services.**

---

Our working relationship with the areas Women's Resource Center and the Survivors Outreach Services is great. These programs are able to assist victims in domestic violence and sexual assault cases. They have certified counselor to help with counseling and assists with court appearances. They can also help safety plans and for most of them, to gain or regain control of their lives.

**2. Community Coordination Activity 2 - Describe any community activities, projects, or coordination councils that your office is involved in to promote Victim Rights and services.**

Grant Money

We were not able to apply for grant money in 2020 to promote awareness during Crime Victim's Rights week 2020. We meet with our Women's Resource Center to come up with a way to promote without any money. We came up with an idea of using the WRC screen to have victims write something on a balloon to have attached to the screen and have it displaced in the entrance way of the county building. Well, before that could take place, the COVID 19 pandemic happened and our county building was closed to the public and people were working from home and we were unable to promote anything during Crime Victim's Rights Week 2020.

Child Advocacy Group

1. is a grant-funded program for Cheboygan County that actively promotes community programs such as: educating parents on how to better promote healthy children and community awareness and youth interventions programs. The goal is to help families stay together. They intervene when parents and children in our community are struggling as a family. They also provide programs at our Youth Center after school to try and keep children off the streets and out of trouble. As the Victim's Rights Advocate/Coordinator, I currently serve as a member on this panel.

Child Death Review Board

This group consist of a number of members in the community from the Prosecutor's Office, Law Enforcement, Department of Health & Human Services, EMT's, Medical Examiner, Health Department and Community Mental Health. When there is a child death in our community, Law Enforcement begins an investigation and the Medical Examiner then determines the cause of death. Sometimes an autopsy is ordered. After all the evidence is collected, a meeting is scheduled to collaborate to see if all angles were looked at and covered. If the group agrees on the cause of death, we then try and come up with ways to incorporate how to educate the community to prevent future SIDs, suicides or other means of our children in the community from dying.

Our goal is to improve our understanding of how and why children die, to demonstrate the need for and to influence policies and programs to improve child health, safety and protection and to prevent other deaths.

After this group has meet and all the information is collected, a report is then submitted to the state of Michigan Public Health Institute, which I complete. I am currently the Coordinator for this program.

**3. Community Coordination Activity 3 - Describe any community activities, projects, or coordination councils that your office is involved in to promote Victim Rights and services.**

From Decisions to Action

FDTA is a Probate Court ordered program for troubled youths with criminal charges. The youth and their parent/guardian must attend a 10-week program that will give the youths and their parent/guardians tools to use to make better choices in their day-to-day decision making.

All mentors' in this program are volunteers. These mentors have a one-one with a youth during this 10-week program to discuss issues they are having and see if any of the tools they are learning can help with making better choices.

The parents/guardians attend group sessions with other parents/guardians with the Director/Moderator going over helpful ideas and tools on how to handle difficult situations in the household.

FOR OFFICE USE ONLY:

Version # \_\_\_\_\_

APP # \_\_\_\_\_

## 11. Work Plan

- Objective :** Provide notices to crime victims as defined in the William VanRegenmorter Crime Victim Rights Act of 1985.
- Activity :** Provide specific information to each victim as mandated in MCL 780.756
- Responsible Staff :** Victim Rights Unit
- Date Range :** 10/01/2020 - 09/30/2021
- Expected Outcome :** 100% of victims will receive information under this section within 7 days of the defendant's arraignment.
- Measurement :** ACT or comparable system.
- 
- Activity :** Provide specific information to each victim as mandated in MCL 780.786
- Responsible Staff :** Victim Rights Unit
- Date Range :** 10/01/2020 - 09/30/2021
- Expected Outcome :** 100% of victims will receive information under this section within 72 hours after filing a juvenile petition
- Measurement :** JCT or comparable system
- 
- Activity :** Provide specific information to each victim as mandated in MCL 780.816
- Responsible Staff :** Victim Rights Unit
- Date Range :** 10/01/2020 - 09/30/2021
- Expected Outcome :** 100% of victims will receive information under this section within 48 hours after an arraignment or plea.
- Measurement :** ACT/JCT or comparable system
- 
- Activity :** Inform the victim of the defendant's conviction and the victim's right to make a written or oral Victim Impact Statement pursuant to 780.763, 780.765, 780.792, 780.793, 780.823, 780.825.
- Responsible Staff :** Victim Rights Unit
- Date Range :** 10/01/2020 - 09/30/2021
- Expected Outcome :** 100% of requesting victims will receive notice of this right.
- Measurement :** ACT/JCT or comparable system.
- 
- Activity :** Provide the victim with an applicable post-conviction notice form pursuant to MCL 780.763a(1), 780.791a, 780.828a.
- Responsible Staff :** Victim Rights Unit
- Date Range :** 10/01/2020 - 09/30/2021
- Expected Outcome :** 100% of requesting victims will receive this information
- Measurement :** ACT/JCT or comparable system
- 
- Activity :** Inform the victim of their rights to receive notice of an appeal pursuant to MCL 780.768a.
- Responsible Staff :** Victim Rights Unit
- Date Range :** 10/01/2020 - 09/30/2021
- Expected Outcome :** 100% of requesting victims will receive notice of their right to be informed of an appeal.
- Measurement :** ACT/JCT or comparable system.
- 
- Objective :** Advocate will provide victim advocacy services from a systems-based perspective
- Activity :** Victim advocate will provide courtroom accompaniment when requested by the victim
- Responsible Staff :** Victim Rights Unit
- Date Range :** 10/01/2020 - 09/30/2021
- Expected Outcome :** 100% of requesting victims requesting courtroom accompaniment will receive this advocacy service.

---

<b>Measurement :</b>	Spreadsheet or comparable system
<b>Objective :</b>	Victim Advocates will obtain continuing education hours to increase individual expertise in the field of victim advocacy
<b>Activity :</b>	Attend Division of Victim Services sponsored conferences
<b>Responsible Staff :</b>	Fully-funded advocates in the Victim Rights Unit
<b>Date Range :</b>	10/01/2020 - 09/30/2021
<b>Expected Outcome :</b>	100% of fully-funded staff under this grant agreement will achieve sixteen continuing education hours by the end of the grant year.
<b>Measurement :</b>	Training log or Certificate of Attendance
<b>Objective :</b>	Grantee will comply with the reporting requirements of the grant agreement
<b>Activity :</b>	Ensure all quarterly reports are complete and submitted in a timely manner
<b>Responsible Staff :</b>	Fully-funded advocates in the Victim Rights Unit
<b>Date Range :</b>	10/01/2020 - 09/30/2021
<b>Expected Outcome :</b>	Quarterly grant reports will be submitted prior to the deadline.
<b>Measurement :</b>	Electronic Grants Administration & Management System (Egrams)

Budget Detail for Victim Rights Prosecutor-2021  
 Agency: Cheboygan County of Prosecutor  
 Application: Victim Rights Prosecutor-2021

6/18/2020

FOR OFFICE USE ONLY:		Version # _____	APP # _____				
Line Item	Qty	Rate	Units	UOM	Total	Amount	
<b>DIRECT EXPENSES</b>							
<b>Program Expenses</b>							
<b>1</b>	<b>Salary &amp; Wages</b>						
	Coordinator Notes : Salary \$40,495 Longevity \$400	1.0000	40895.000	0.000	FTE	40,895.00	40,895.00
<b>2</b>	<b>Fringe Benefits</b>						
	Unemployment	0.0000	2.600	9000.000		234.00	234.00
	FICA	0.0000	7.650	40895.000		3,128.00	3,128.00
	Retirement	0.0000	18.030	40895.000		7,373.00	7,373.00
	Hospitalization	0.0000	8.764	40495.000		3,549.00	3,549.00
<b>Total for Fringe Benefits</b>						14,284.00	14,284.00
<b>3</b>	<b>Travel</b>						
	Gas to attend In-State Training	0.0000	0.000	0.000		250.00	250.00
	Meals and Miscellaneous Travel Expenses	0.0000	0.000	0.000		300.00	300.00
<b>Total for Travel</b>						550.00	550.00
<b>4</b>	<b>Supplies &amp; Materials</b>						
	Office Supplies Notes : Pens, Paper, Paper clips, correction tapes, post it notes, envelopes and toner cartridges for printer	0.0000	0.000	0.000		500.00	500.00
	Postage Notes : Postage for CVR required mailings	0.0000	0.000	0.000		800.00	800.00

Budget Detail for Victim Rights Prosecutor-2021  
 Agency: Cheboygan County of Prosecutor  
 Application: Victim Rights Prosecutor-2021

6/18/2020

	Line Item	Qty	Rate	Units	UOM	Total	Amount
	Office Furniture	0.0000	0.000	0.000		100.00	100.00
	Computers/Tablets Notes : Note: only have 1.0 FTE so will only be spending \$1,200	0.0000	0.000	0.000		1,800.00	1,800.00
<b>Total for Supplies &amp; Materials</b>						<b>3,200.00</b>	<b>3,200.00</b>
<b>5</b>	<b>Contractual</b>						
<b>6</b>	<b>Equipment</b>						
<b>7</b>	<b>Other Expense</b>						
	Cell phone service	0.0000	0.000	0.000		600.00	600.00
	5% Direct Victim Needs	0.0000	0.000	0.000		2,886.00	2,886.00
<b>Total for Other Expense</b>						<b>3,486.00</b>	<b>3,486.00</b>
<b>Total Program Expenses</b>						<b>62,415.00</b>	<b>62,415.00</b>
<b>TOTAL DIRECT EXPENSES</b>						<b>62,415.00</b>	<b>62,415.00</b>
<b>INDIRECT EXPENSES</b>							
<b>Indirect Costs</b>							
<b>1</b>	<b>Indirect Costs</b>						
<b>2</b>	<b>Cost Allocation Plan</b>						
<b>Total Indirect Costs</b>						<b>0.00</b>	<b>0.00</b>
<b>TOTAL INDIRECT EXPENSES</b>						<b>0.00</b>	<b>0.00</b>
<b>TOTAL EXPENDITURES</b>						<b>62,415.00</b>	<b>62,415.00</b>

Budget Summary for Victim Rights Prosecutor-2021  
 Agency: Cheboygan County of Prosecutor  
 Application: Victim Rights Prosecutor-2021

6/18/2020

	Category	Total	Amount	Narrative
<b>DIRECT EXPENSES</b>				
<b>Program Expenses</b>				
1	Salary & Wages	40,895.00	40,895.00	
2	Fringe Benefits	14,284.00	14,284.00	
3	Travel	550.00	550.00	
4	Supplies & Materials	3,200.00	3,200.00	
5	Contractual	0.00	0.00	
6	Equipment	0.00	0.00	
7	Other Expense	3,486.00	3,486.00	
<b>Total Program Expenses</b>		62,415.00	62,415.00	
<b>TOTAL DIRECT EXPENSES</b>		62,415.00	62,415.00	
<b>INDIRECT EXPENSES</b>				
<b>Indirect Costs</b>				
1	Indirect Costs	0.00	0.00	
2	Cost Allocation Plan	0.00	0.00	
<b>Total Indirect Costs</b>		0.00	0.00	
<b>TOTAL INDIRECT EXPENSES</b>		0.00	0.00	
<b>TOTAL EXPENDITURES</b>		62,415.00	62,415.00	

**Source of Funds**

	Category	Total	Amount	Cash	Inkind	Narrative
1	Source of Funds					
	Fees and Collections	0.00	0.00	0.00	0.00	

Budget Summary for Victim Rights Prosecutor-2021  
 Agency: Cheboygan County of Prosecutor  
 Application: Victim Rights Prosecutor-2021

6/18/2020

	State Agreement	62,415.00	62,415.00	0.00	0.00	
	Local	0.00	0.00	0.00	0.00	
	Federal	0.00	0.00	0.00	0.00	
	Other	0.00	0.00	0.00	0.00	
	<b>Total Source of Funds</b>	62,415.00	62,415.00	0.00	0.00	
	<b>Totals</b>	62,415.00	62,415.00	0.00	0.00	

FOR OFFICE USE ONLY:	Version # _____	APP # _____
----------------------	-----------------	-------------

15. Supporting documentation, if required

Attachment Title	Attachment
Courtroom Advocacy Activity	14463_0_110_Courtroom Advocacy Activity.docx
Job Responsibilities	14463_2_697_Job Description for Egrams.pdf
MI-VINE Totals	14463_3_382_MI-VINE TOTAL.pdf



# Cheboygan County Board of Commissioners' Meeting

June 23, 2020

**Title:** Sale Proceeds Report

**Summary:** In 2008 and each year after 2008, not later than June 30 of the second calendar year after foreclosure, the County Treasurer shall submit a written report to the Board of Commissioners. All or a portion of any remaining balance, less any contingent costs of title or other legal claims, may subsequently be transferred into the general fund of the County by the Board of Commissioners. Although the law only requires the County Treasurer to report the remaining balance from the sale proceeds, the attached report shows all of the revenues and all of the expenses that have been reported in this fund. Pursuant to the law, any allowable expense can be charged against the sale proceeds. In the foreclosure process there are additional fees that are set by statute such as Oct. 1<sup>st</sup> a \$15.00 fee added to all delinquent taxes that are in the 1<sup>st</sup> year of delinquency and March 1<sup>st</sup> a \$235.00 fee added to all delinquent taxes that are in the 2<sup>nd</sup> year of delinquency. These fees are to help cover the cost of recording fees, mailing notices, title searches, publications, etc. The sale proceeds and the fees have covered expenses in administering the program. The 2018 Sale Proceeds is \$98,947.41 and total Surplus is \$88,639.47 which is less \$10,307.94 from additional expenses.

2016 Sale Proceeds \$360,628.87

2017 Sale Proceeds \$ 98,294.46

2018 Sale Proceeds \$ 98,947.41

For a total of \$557,870.74 being held in the foreclosure fund.

**Financial Impact:** \$98,947.41 possible loss of revenue to the General Fund.

**The total amount transferred to the General Fund since 2008 is \$1,876,567.01**

**Recommendation:** Accept report and instruct Treasurer to hold funds in the 517 Foreclosure Fund.

**Prepared by:** Buffy Jo Weldon

**Department:** Cheboygan County Treasurer



# Cheboygan County Board of Commissioners' Meeting

**MEETING DATE: June 23, 2020**

**Title:** Drug Court – Approval of MDCGP and Edward Byrne Memorial Justice Assistance Grant Applications and Certification

**Summary:** Cheboygan County Drug Court desires to apply for grant funds to continue the Drug Court Program. The certification/applications for these grants are due July 1, 2020.

**Financial Impact:** The Drug Court is requesting a grant award amount of \$240,688.50 for Byrne JAG, and/or \$241,888.50 for MDCGP for FY 2021.

**Recommendation:**

Authorize grant submittal and execution of all other necessary grant documents by the County Chairperson after review from the Finance Director and legal counsel, and authorize any necessary budget adjustments, if applicable.

**Prepared by:**  
Karen J. Chapman for Judge  
Aaron J. Gauthier

**Department: 53<sup>rd</sup> Circuit Court**



**Application**

Application: 21825 - Fiscal Year 2021 Federal: Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) - CFDA 16.738

Program Area: Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) CFDA 16.738

Funding Opportunities: 21371 - Fiscal Year 2021 Federal: Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) - CFDA 16.738

Application Deadline: 07/01/2020

**Instructions**

**The request in this budget should be based on the amount of money the program was awarded in fiscal year 2020, including both state and federal awards, plus or minus any estimated increases or decreases related to program operations.**

*Please click here to access the Building a SCAO Grant Budget manual.*

**Personnel**

Go to Application Forms | Add

Name	Position	Computation	Request	Other Grant Or Funding Sources	Local Cash Contribution	Local In-Kind Contribution	Total
Nicole Pawlowski	Drug Court Coordinator/Case Manager	\$20.92 per hr for Quarter 1; \$25.00 per hr for Quarters 2-4	\$49,879.00	\$0.00	\$0.00	\$0.00	\$49,879.00
Les Tebo	Law Enforcement Officer	\$16.12/hr for Quarter 1; \$16.60/hr for Quarters 2-4	\$0.00	\$0.00	\$11,141.00	\$0.00	\$11,141.00
			<b>\$49,879.00</b>	<b>\$0.00</b>	<b>\$11,141.00</b>	<b>\$0.00</b>	<b>\$61,020.00</b>

**Personnel**

*Describe the personnel costs (i.e., wages) associated with the proposed project.*

Staff is being charged to the grant in order to maintain operations of the program. While Cheboygan County can support a portion of the personnel costs, they cannot assume all personnel costs. Without grant funds, our program could not continue.

The Drug Court utilizes the services of Les Tebo, a PTE. Mr. Tebo is a retired County Sheriff Deputy, and his services to the Drug Court include making home visits to the participants, work visits when necessary, verifying curfew compliance, etc. Mr. Tebo's services and input have been a valuable asset to the program. It is our experience that one of the best tools for a successful drug court program is that the participants know that the rules will be monitored and enforced, and that they will have to comply with them. Mr. Tebo's services have allowed us to greatly enhance that reality within our program. Mr. Tebo works up to 13 hours per week, and will be paid \$16.12 per hour for October 1 to December 31, 2020, and \$16.60 per hour beginning January 1st and running through September 30, 2021. These hours are only spent on Drug Court participants.

Nicole Pawlowski is the Drug Court Coordinator and Case Manager for the Drug Court. She is a FTE at 40 hours per week, and she works ONLY on the Drug Court Program with grant funding. Her pay will be \$20.92 per hour for October 1, 2020 through December 31, 2020, and it is our hope that her salary can be raised to \$25.00 per hour beginning January 1, 2021. Ms. Pawlowski has recently obtained her Bachelor's Degree in Psychology with a Concentration in Addictions. Nicole is the Drug Court Coordinator, Project Director, Case Manager, teaches life skills to participants, and she is also able to conduct Risk and Needs Assessments. With budget restrictions, we have been unable to raise Nicole's salary to match her skill level. It is our hope that we can retain Nicole and have her salary be more comparable to her abilities. With the degree Nicole recently obtained, along with the completed training to perform Criminogenic Risk and Needs Assessments, she is a true asset to our program.

**Fringe Benefits**

Row	Percentage	Request	Other Grant Or Funding Sources	Local Cash Contribution	Local In-Kind Contribution	Total
Employer FICA	6.2%	\$3,093.00	\$0.00	\$691.00	\$0.00	\$3,784.00
Retirement	18.03%	\$8,994.00	\$0.00	\$0.00	\$0.00	\$8,994.00
Hospital Insurance	0%	\$18,807.00	\$0.00	\$0.00	\$0.00	\$18,807.00
Dental Insurance	0%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Vision Insurance	0%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Unemployment	2.6%	\$234.00	\$0.00	\$290.00	\$0.00	\$524.00
Workers Compensation	2.51%	\$490.00	\$0.00	\$280.00	\$0.00	\$770.00
Life Insurance	0%	\$32.00	\$0.00	\$0.00	\$0.00	\$32.00
Other	1.45%	\$724.00	\$0.00	\$162.00	\$0.00	\$886.00
Other	0%	\$648.00	\$0.00	\$0.00	\$0.00	\$648.00
<b>Totals</b>		<b>\$33,022.00</b>	<b>\$0.00</b>	<b>\$1,423.00</b>	<b>\$0.00</b>	<b>\$34,445.00</b>

**Fringe Benefits**

Describe in detail each fringe benefit amount. If you are requesting funds in the "Other" category, include a detailed description of those expenses.

Fringes for Les Tebo will be approximately \$1,423.00 (Workers Comp. - 2.51%; Medicare (other) - 1.45%)

Fringes for Nicole Pawlowski will be approximately \$33,022 (Workers Comp. - .98%; Medicare (other) - 1.45%; The final "other" includes \$248 for long-term disability, and \$400 for longevity pay for Nicole.)

Contractual										Add
Service to be Provided	Contractor(s)	Computation	Request	Other Grant or Funding Sources	Local Cash Contribution	Local In-Kind Contributions	Total	Subrecipient	Contractor/Vendor	
Counseling Services	Harbor Hall	various	\$6,000.00	\$0.00	\$0.00	\$0.00	\$6,000.00	No	Yes	
Mental Health Services	Community Mental Health		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	No	Yes	
Participant Monitoring	Salvation Army	\$500 per month	\$6,000.00	\$0.00	\$0.00	\$0.00	\$6,000.00	No	Yes	
Drug Testing	Redwood Toxicology, Northern Michigan Independent Drug Screening, LLC	various	\$44,400.00	\$0.00	\$0.00	\$0.00	\$44,400.00	No	Yes	
Defense Attorney Services	Amanda Szukala	\$100/hour, not to exceed \$500/month	\$0.00	\$0.00	\$6,000.00	\$0.00	\$6,000.00	No	Yes	
Medicated Assisted Treatment	Harbor Hall and Alcona Health Center	various	\$4,000.00	\$0.00	\$0.00	\$0.00	\$4,000.00	No	Yes	
Criminogenic Risk & Needs Assessments	Multi-Health Systems inc.	\$10.25 per assmt	\$102.50	\$0.00	\$0.00	\$0.00	\$102.50	No	Yes	
Inpatient Residential Treatment	Harbor Hall; Great Lakes Recovery; Sunrise Centre	various	\$95,000.00	\$0.00	\$0.00	\$0.00	\$95,000.00	No	Yes	
			<b>\$155,502.50</b>	<b>\$0.00</b>	<b>\$6,000.00</b>	<b>\$0.00</b>	<b>\$161,502.50</b>			

**Contractual**

Describe the contractual costs associated with the proposed project.

**Counseling Services - Harbor Hall**

The Drug Court contracts with Harbor Hall to provide counseling services, therapy and assessments for drug court participants. Rates for their services are as follows: if funded through NMRE, individual sessions are \$10 each and group sessions are \$5 each; if not funded, those rates are \$80 and \$50 respectively. Harbor Hall also conducts assessments for potential participants at a rate of \$85 each when not in jail, and \$125 when in jail. Harbor Hall provides MRT to the participants. These fees are consistent with the rate that is being paid in Northern Michigan for the services being provided. The Drug Court has contacted all possible providers in order to ensure that the lowest possible rates could be obtained.

**Mental Health Services:**

Community Mental Health is available for mental health assessments for participants on Medicaid, at no cost to our program

**Participant Monitoring:**

Salvation Army provides monitoring services for the mens' transition house for drug court participants as needed, i.e. curfew checks, reporting to appropriate staff of any violations, etc.

**Drug Testing:**

We have contracted with Northern Michigan Independent Drug Screening, LLC to perform drug screens for drug court participants. It is anticipated they will perform 100-150 total drug screens per month, at a rate of \$5.00 per test.

Redwood Toxicology will be performing lab drug testing, at various rates, depending on what is requested on an individual basis.

11 panel test \$9.35 (or \$13.15 if including Fentanyl)

Gabapentin \$20.00

Methylphenidate \$27.50

Designer Stimulants \$33.00-\$35.75

Mitragynine (Kratom) \$18.00

Synthetic Cannabinoids \$33.00

Comprehensive Panel \$60.00 or \$82.50, depending on substances tested for.

EtG tests are utilized for all OUIL participants, as well as all other participants at various times, at a rate of \$4.40 per test.

Redwood does reserve the right to raise their prices, and if they choose to do so, those rates would change January 1, 2021.

**Defense Attorney Services:**

Amanda Szukala is our Drug Court Defense Attorney. Ms. Szukala attends the staffings and court sessions of the Drug Court. These services are not billed to any individual.

**Medicated Assisted Treatment:**

Harbor Hall now offers OBOT - "Office Based Opioid Treatment", which is a medically managed program that provides treatment services to persons with opioid use disorders. Through this program, central to treatment are medications, typically Suboxone and Vivitrol, provided in combination with other medical and psycho-social interventions designed to realize a person's highest achievable recovery. There will be no cost to our Drug Court as this program is for Medicaid participants only. The majority of our participants are Medicaid recipients.

Also available for our participants for MAT services/medication is Alcona Health Center. The following amounts are ranges, depending on the participants' insurance carrier:

Evaluations: \$16.00-\$217.00

Office visits for new patients: \$61.00-\$287.00; established patients: \$62.00 - \$199.00.

Medications also vary in price depending on insurance. Pricing without insurance: Vivitrol begins at \$48.50 month; Naltrexone injections - \$232.10 for 10 injections.

**Criminogenic Risk & Needs Assessments:**

Our case manager is now able to perform Criminogenic Risk and Needs Assessments, as she recently completed the On Demand training. However, with budget restrictions the Drug Court has been unable to purchase a laptop computer necessary to perform these assessments. It is our hope that we can purchase a laptop fiscal year 2021. The cost for these online assessments through Multi-Health Systems Inc. is \$10.25 each. As we currently still have a credit from the previous fiscal year for 50 assessments, we have included for this fiscal year an additional amount for up to ten more assessments.

**Inpatient Residential Treatment:**

Inpatient Residential Treatment can be provided to the participants by Harbor Hall, Great Lakes Recovery, and Sunrise Centre. The rates are as follows: Harbor Hall - \$245 per day, up to 90 days; Great Lakes Recovery - approx. \$200 per day, up to 90 days; Sunrise Centre - \$107 per day, up to 90 days. If the participant needs detox, this would be a separate cost of \$835 per day for 3-5 days. We are requesting to send up to five participants to inpatient treatment.

Supplies							Add
Type of Supply	Computation	Request	Other Grant or Funding Sources	Local Cash Contribution	Local In-Kind Contribution	Total	Total
Incentives	Gift cards, graduations gifts, etc.	\$0.00	\$0.00	\$1,300.00	\$0.00	\$1,300.00	\$1,300.00
Office supplies	Estimation	\$0.00	\$0.00	\$236.00	\$0.00	\$236.00	\$236.00
Drug Testing Supplies	\$2.00 saliva collection devices; \$6.95 oral instants	\$2,285.00	\$0.00	\$0.00	\$10,000.00	\$12,285.00	\$12,285.00
Office Space		\$0.00	\$0.00	\$0.00	\$3,000.00	\$3,000.00	\$3,000.00
Cell Phone Use	\$45.00 per month	\$0.00	\$0.00	\$540.00	\$0.00	\$540.00	\$540.00
MRT Workbooks	\$30.00 each	\$0.00	\$0.00	\$360.00	\$0.00	\$360.00	\$360.00
Office Equipment		\$0.00	\$0.00	\$1,200.00	\$0.00	\$1,200.00	\$1,200.00
		<b>\$2,285.00</b>	<b>\$0.00</b>	<b>\$3,636.00</b>	<b>\$13,000.00</b>	<b>\$18,921.00</b>	<b>\$18,921.00</b>

**Supplies**

*Describe the supply costs associated with the proposed project.*

Gift cards, graduation gifts, inspirational books, movie tickets, etc. are given to drug court participants at the time of phase advancement or graduation. It is estimated that this will total approximately \$1,300.

There are at times the necessity to perform drug testing by other means than urine samples. The Drug Court will purchase up to 300 oral fluid instant test kits. The rate for these test kits is \$6.95 each (\$2,085). We can also utilize a saliva collection device which can be sent out to the lab. These saliva collection devices are \$2.00 each and we anticipate utilizing up to 100 of these test kits (\$200). MDOC continues to supply drug testing supplies that are currently utilized by the probation office and case manager for instant drug testing.

The County of Cheboygan contributes \$45.00 per month to the Case Manager for cell phone use.

MRT workbooks are supplied by Harbor Hall at a cost of \$30.00 each. We anticipate up to 12 books for the year.

The Drug Court wishes to purchase a laptop computer for the Drug Court case manager.

Travel							Add
Type of Travel	Computation	Request	Other Grant or Funding Sources	Local Cash Contribution	Local In-Kind Contribution	Total	Total
Mileage for home calls	\$.575 per mile	\$0.00	\$0.00	\$300.00	\$0.00	\$300.00	\$300.00
		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$300.00</b>	<b>\$0.00</b>	<b>\$300.00</b>	<b>\$300.00</b>

**Travel**

Describe the travel costs associated with the proposed project.

The amount of \$300.00 is being requested to reimburse drug court staff for mileage costs incurred for mainly home visits, but also for transporting participants to counseling, interviews, training related appointments, medical appointments, etc.

**Total Budget**

Budget Category	Request	Other Grant or Funding Sources	Local Cash Contributions	In-Kind Contributions	Total Cost
Total	\$240,688.50	\$0.00	\$22,500.00	\$13,000.00	\$276,188.50

Last Edited By: Karen Chapman, 06/16/2020

WebGrants - Michigan Courts

Dulles Technology Partners Inc.  
© 2001-2017 Dulles Technology Partners Inc.  
WebGrants 6.10 - All Rights Reserved.



**Application**

Application: 21826 - Fiscal Year 2021 Michigan Drug Court Grant Program (MDCGP)

Program Area: Michigan Drug Court Grant Program (MDCGP)

Funding Opportunities: 21408 - Fiscal Year 2021 Michigan Drug Court Grant Program (MDCGP)

Application Deadline: 07/01/2020

**Instructions**

**The request in this budget should be based on the amount of money the program was awarded in fiscal year 2020, including both state and federal awards, plus or minus any estimated increases or decreases related to program operations.**

Please click [here](#) to access the Building a SCAO Grant Budget manual.

**Personnel**

Go to Application Forms | Add

Name	Position	Computation	Request	Other Grant Or Funding Sources	Local Cash Contribution	Local In-Kind Contribution	Total
Nicole Pawlowski	Drug Court Coordinator/Case Manager	\$20.92 per hr for Quarter 1; \$25.00 per hr for Quarters 2-4	\$49,879.00	\$0.00	\$0.00	\$0.00	\$49,879.00
Les Tebo	Law Enforcement Officer	\$16.12/hr for Quarter 1; \$16.60/hr for Quarters 2-4	\$0.00	\$0.00	\$11,141.00	\$0.00	\$11,141.00
			<b>\$49,879.00</b>	<b>\$0.00</b>	<b>\$11,141.00</b>	<b>\$0.00</b>	<b>\$61,020.00</b>

**Personnel**

Describe the personnel costs (i.e., wages) associated with the proposed project.

Staff is being charged to the grant in order to maintain operations of the program. While Cheboygan County can support a portion of the personnel costs, they cannot assume all personnel costs. Without grant funds, our program could not continue.

The Drug Court utilizes the services of Les Tebo, a PTE. Mr. Tebo is a retired County Sheriff Deputy, and his services to the Drug Court include making home visits to the participants, work visits when necessary, verifying curfew compliance, etc. Mr. Tebo's services and input have been a valuable asset to the program. It is our experience that one of the best tools for a successful drug court program is that the participants know that the rules will be monitored and enforced, and that they will have to comply with them. Mr. Tebo's services have allowed us to greatly enhance that reality within our program. Mr. Tebo works up to 13 hours per week, and will be paid \$16.12 per hour for October 1 to December 31, 2020, and \$16.60 per hour beginning January 1st and running through September 30, 2021. These hours are only spent on Drug Court participants.

Nicole Pawlowski is the Drug Court Coordinator and Case Manager for the Drug Court. She is a FTE at 40 hours per week, and she works ONLY on the Drug Court program with grant funding. Her pay will be \$20.92 per hour for October 1, 2020, through December 31, 2020, and it is our hope that her salary can be raised to \$25.00 per hour beginning January 1, 2021. Ms. Pawlowski has recently obtained her Bachelor's Degree in Psychology with a Concentration in Addictions. Nicole is the Drug Court Coordinator, Project Director, Case Manager, teaches life skills to participants, and she is also able to conduct Risk and Needs Assessments. With budget restrictions, we have been unable to raise Nicole's salary to match her skill level. It is our hope that we can retain Nicole and have her salary be more comparable to her abilities. With the degree Nicole recently obtained, along with the completed training to perform Criminogenic Risk and Needs Assessments, she is a true asset to our program.

**Fringe Benefits**

Row	Percentage	Request	Other Grant Or Funding Sources	Local Cash Contribution	Local In-Kind Contribution	Total
Employer FICA	6.2%	\$3,093.00	\$0.00	\$691.00	\$0.00	\$3,784.00
Retirement	18.03%	\$8,994.00	\$0.00	\$0.00	\$0.00	\$8,994.00
Hospital Insurance	0%	\$18,807.00	\$0.00	\$0.00	\$0.00	\$18,807.00
Dental Insurance	0%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Vision Insurance	0%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Unemployment	2.8%	\$234.00	\$0.00	\$290.00	\$0.00	\$524.00
Workers Compensation	2.51%	\$490.00	\$0.00	\$280.00	\$0.00	\$770.00
Life Insurance	0%	\$32.00	\$0.00	\$0.00	\$0.00	\$32.00
Other	1.45%	\$724.00	\$0.00	\$162.00	\$0.00	\$886.00
Other	0%	\$648.00	\$0.00	\$0.00	\$0.00	\$648.00
<b>Totals</b>		<b>\$33,022.00</b>	<b>\$0.00</b>	<b>\$1,423.00</b>	<b>\$0.00</b>	<b>\$34,445.00</b>

**Fringe Benefits**

Describe in detail each fringe benefit amount. If you are requesting funds in the "Other" category, include a detailed description of those expenses.

Fringes for Les Tebo will be approximately \$1,423.00 (Workers Comp. - 2.51%; Medicare (other) - 1.45%)

Fringes for Nicole Pawlowski will be approximately \$33,022 (Workers Comp. - .98%; Medicare (other) - 1.45%; The final "other" includes \$248 for long-term disability, and \$400 for longevity pay for Nicole.)

Contractual										Add
Service to be Provided	Contractor(s)	Computation	Request	Other Grant or Funding Sources	Local Cash Contribution	Local In-Kind Contributions	Total	Subrecipient	Contractor/Vendor	
Counseling Services	Harbor Hall	various	\$6,000.00	\$0.00	\$0.00	\$0.00	\$6,000.00	No	Yes	
Mental Health Services	Community Mental Health		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	No	Yes	
Participant Monitoring	Salvation Army	\$1500.00 per quarter	\$0.00	\$0.00	\$6,000.00	\$0.00	\$6,000.00	No	Yes	
Drug Testing	Redwood Toxicology, Northern Michigan Independent Drug Screening, LLC	various	\$44,400.00	\$0.00	\$0.00	\$0.00	\$44,400.00	No	Yes	
Defense Attorney Services	Amanda Szukala	\$100/hour, not to exceed \$600/month	\$7,200.00	\$0.00	\$0.00	\$0.00	\$7,200.00	No	Yes	
Medicated Assisted Treatment	Harbor Hall and Alcona Health Center	varies (see below)	\$4,000.00	\$0.00	\$0.00	\$0.00	\$4,000.00	No	Yes	
Criminogenic Risk & Needs Assessments	Multi-Health Systems Inc.	\$10.25 per assmt	\$102.50	\$0.00	\$0.00	\$0.00	\$102.50	No	Yes	
Inpatient Residential Treatment	Harbor Hall; Great Lakes Recovery; Sunrise Centre	various	\$95,000.00	\$0.00	\$0.00	\$0.00	\$95,000.00	No	Yes	
			<b>\$156,702.50</b>	<b>\$0.00</b>	<b>\$6,000.00</b>	<b>\$0.00</b>	<b>\$162,702.50</b>			

**Contractual**

Describe the contractual costs associated with the proposed project.

**Counseling Services - Harbor Hall**

The Drug Court contracts with Harbor Hall to provide counseling services, therapy and assessments for drug court participants. Rates for their services are as follows: if funded through NMRE, individual sessions are \$10 each and group sessions are \$5 each; if not funded, those rates are \$80 and \$50 respectively. Harbor Hall also conducts assessments for potential participants at a rate of \$85 each when not in jail, and \$125 when in jail. Harbor Hall provides MRT to the participants. These fees are consistent with the rate that is being paid in Northern Michigan for the services being provided. The Drug Court has contacted all possible providers in order to ensure that the lowest possible rates could be obtained.

**Inpatient Residential Treatment:**

Inpatient Residential Treatment can be provided to the participants by Harbor Hall, Great Lakes Recovery, and Sunrise Centre. The rates are as follows: Harbor Hall - \$245 per day, up to 90 days; Great Lakes Recovery - approx. \$200 per day, up to 90 days; Sunrise Centre - \$107 per day, up to 90 days. If the participant needs detox, this would be a separate cost of \$835 per day for 3-5 days. We are requesting to send up to five participants to inpatient treatment.

**Mental Health Services:**

Community Mental Health is available for mental health assessments for participants on Medicaid, at no cost to our program.

**Participant Monitoring:**

Salvation Army provides monitoring services for the mens' transition house for drug court participants as needed, i.e. curfew checks, reporting to appropriate staff of any violations, etc.

**Drug Testing:**

We have contracted with Northern Michigan Independent Drug Screening, LLC to perform drug screens for drug court participants. It is anticipated they will perform 100-150 total drug screens per month, at a rate of \$5.00 per test.

Redwood Toxicology will be performing lab drug testing, at various rates, depending on what is requested on an individual basis.

11 panel test \$9.35 (or \$13.15 if including Fentanyl)

Gabapentin \$20.00

Methylphenidate \$27.50

Designer Stimulants \$33.00-\$35.75

Mitragynine (Kratom) \$18.00

Synthetic Cannabinoids \$33.00

Comprehensive Panel \$60.00 or \$82.50, depending on substances tested for.

EtG tests are utilized for all OUIL participants, as well as all other participants at various times, at a rate of \$4.40 per test

Redwood does reserve the right to raise their prices, and if they choose to do so, those rates would change January 1, 2021.

**Defense Attorney Services:**

Amanda Szukala is our Drug Court Defense Attorney. Ms. Szukala attends the staffings and court sessions of the Drug Court. These services are not billed to any individual.

**Medicated Assisted Treatment:**

Harbor Hall now offers OBOT - "Office Based Opioid Treatment", which is a medically managed program that provides treatment services to persons with opioid use disorders. Through this program, central to treatment are medications, typically Suboxone and Vivitrol, provided in combination with other medical and psycho-social interventions designed to realize a person's highest achievable recovery. There will be no cost to our Drug Court as this program is for Medicaid participants only. The majority of our participants are Medicaid recipients.

Also available for our participants for MAT services/medication is Alcona Health Center. The following amounts are ranges, depending on the participants' insurance carrier:

Evaluations: \$16.00-\$217.00

Office visits for new patients: \$61.00-\$287.00; established patients: \$62.00 - \$199.00.

Medications also vary in price depending on insurance. Pricing without insurance: Vivitrol begins at \$48.50 month; Naltrexone injections - \$232.10 for 10 injections.

**Criminogenic Risk & Needs Assessments:**

Our case manager is now able to perform Criminogenic Risk and Needs Assessments, as she has completed the On Demand training. However, with budget restrictions the Drug Court has been unable to purchase a laptop computer necessary to perform these assessments. It is our hope that we can purchase a laptop fiscal year 2021. The cost for these online assessments through Multi-Health Systems Inc. is \$10.25 each. As we currently still have a credit from the previous fiscal year for 50 assessments, we have included for this fiscal year an amount for up to ten additional assessments.

Supplies							Add
Type of Supply	Computation	Request	Other Grant or Funding Sources	Local Cash Contribution	Local In-Kind Contribution	Total	
Incentives	Gift cards, graduations gifts, etc.	\$0.00	\$0.00	\$1,300.00	\$0.00	\$1,300.00	
Office supplies	Estimation	\$0.00	\$0.00	\$236.00	\$0.00	\$236.00	
Drug Testing Supplies	\$2.00 saliva collection devices; \$6.95 oral instant	\$2,285.00	\$0.00	\$0.00	\$10,000.00	\$12,285.00	
Office Space		\$0.00	\$0.00	\$0.00	\$3,000.00	\$3,000.00	
Cell Phone use	\$45 per month	\$0.00	\$0.00	\$540.00	\$0.00	\$540.00	
MRT Workbooks	\$30 each	\$0.00	\$0.00	\$360.00	\$0.00	\$360.00	
Office Equipment		\$0.00	\$0.00	\$1,200.00	\$0.00	\$1,200.00	
		<b>\$2,285.00</b>	<b>\$0.00</b>	<b>\$3,636.00</b>	<b>\$13,000.00</b>	<b>\$18,921.00</b>	

**Supplies**

*Describe the supply costs associated with the proposed project.*

Gift cards, graduation gifts, inspirational books, movie tickets, etc. are given to drug court participants at the time of phase advancement or graduation. It is estimated that this will total approximately \$1,300.

There are at times the necessity to perform drug testing by other means than urine samples. The Drug Court will purchase up to 300 oral fluid instant test kits. The rate for these test kits is \$6.95 each (\$2,085). We can also utilize a saliva collection device which can be sent out to the lab. These saliva collection devices are \$2.00 each and we anticipate utilizing up to 100 of these test kits (\$200). MDOC continues to supply drug testing supplies that are currently utilized by the probation office and case manager for instant testing.

The County of Cheboygan contributes \$45.00 per month to the Case Manager for cell phone use.

MRT workbooks are supplied by Harbor Hall at a cost of \$30.00 each. We anticipate up to 12 books for the year.

The Drug Court wishes to purchase a laptop computer for the Drug Court case manager.

**Travel**

Type of Travel	Computation	Request	Other Grant or Funding Sources	Local Cash Contribution	Local In-Kind Contribution	Total	Add
Mileage for home calls	\$5.75 per mile	\$0.00	\$0.00	\$300.00	\$0.00	\$300.00	
		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$300.00</b>	<b>\$0.00</b>	<b>\$300.00</b>	

**Travel**

*Describe the travel costs associated with the proposed project.*

The amount of \$300.00 is being requested to reimburse drug court staff for mileage costs incurred for mainly home visits, but also for transporting participants to counseling, interviews, training related appointments, medical appointments, etc.

**Total Budget**

Budget Category	Request	Other Grant or Funding Sources	Local Cash Contributions	In-Kind Contributions	Total Cost
Total	\$241,888.50	\$0.00	\$22,500.00	\$13,000.00	\$277,388.50

Last Edited By: Karen Chapman, 06/16/2020



# Cheboygan County

## Board of Commissioners' Meeting

June 23, 2020

**Title:** 2020 Salary & Wage Resolution - Non-Union General Employees #19-17 – Amendment #1  
- Probate Court position consolidation and re-classification.

**Summary:** The Probate Court has reviewed options to carry out cost saving measures due to financial impacts related to COVID-19 and recommends the consolidation and re-classification of positions within the court. The consolidation would eliminate one position, re-classify three positions with wage/hour adjustments and increase pay per hour for Compass Program Director position. The consolidation would set position hours at 40 hours a week for the majority of classifications in the court. This will increase the yearly wages received by employees holding these positions. The consolidation is estimated to save approximately \$7,000 a year in wages as well as creates classification wages scales with 40 hour work weeks to make the Court competitive with internal and external comparable wages which has been pursued by the Court over the past 10 years.

**Financial Impact:** Estimated department wage savings of \$7,000 per year (first year savings may be impacted by unemployment payments).

**Recommendation:**

Adopt Amendment #1 to the 2020 Salary and Wage Resolution – Non-Union General Employee #19-17 to be effective June 24, 2020 and authorize the Chair to sign.

**Prepared by:** Judge Vizina, Jeffery B.  
Lawson

**Department:** Probate Court- Administration

2020 Salary and Wage Resolution  
 Non-Union General Employees  
 Amendment 1

	<i>Number of Positions</i>	<i>Hours per Work Week</i>	<i>Hours per Year</i>	<i>2019 Salary or Hourly Rate</i>	<i>2020 Increase %</i>	<i>2020 Increase \$</i>	<i>2020 Salary or Hourly Rate</i>
<b>PROBATE COURT / JUVENILE PROBATION / CHILDCARE</b>							
Probate Registrar / Family (Juvenile) Court Administrator (see A)	1	40	2080	28.16	2.50%	0.70	28.86
Deputy Registrar I (see A)	1	40	2080	Reclassification	Reclassification	Reclassification	21.13
Deputy Registrar II (see A)	1	40	2080	Reclassification	Reclassification	Reclassification	21.13
Director of Juvenile Services / CJO	1	37.5	1950	26.64	2.50%	0.67	27.31
Deputy Registrar III (see A)	1	40	2080	Reclassification	Reclassification	Reclassification	21.13
(See B)	0	0	0	position eliminated	position eliminated	position eliminated	-
Intensive Probation Officer #1	1	37.5	1950	23.30	2.50%	0.58	23.88
Intensive Probation Officer #2 / Compass Academy Dir	1	40	2080	20.94	2.50%	0.52	21.46
Union Positions Not Detailed in Wage Resolution	0						
After-Hours	NA	NA	NA	7,775.00	0.00%	-	7,775.00
Nightwatch	NA	NA	NA	12,300.00	0.00%	-	12,300.00

**COMPASS ACADEMY formerly SAYPA**

Program Manager (see C)	1	40	2080	16.00	12.50%	2.00	20.00
Youth Transport Monitor	1	20-29	1228	11.50	0% to 13.04%	1.50	11.50 - 13.00
Classroom Monitor (f)	1	40	2080	11.59	0% to 12.17%	1.41	11.59 - 13.00
Union Positions Not Detailed in Wage Resolution	0						

(f) Subject to available grant funding. This position will not be funded by General Fund operating revenue.

- (A) change in hours per work week from 37.5 to 40
- (B) position has been eliminated
- (C) wage change for market competitiveness

Adopted by the Cheboygan County Commissioners on the following date to be effective June 24, 2020.

Signed by: \_\_\_\_\_  
 John Wallace, Board Chairperson

Date Signed: \_\_\_\_\_



---

# Cheboygan County

## Board of Commissioners' Meeting

June 23, 2020

**Title:** Resolution 20-10 Freedom of Information Act Policy 100-3

**Summary:** Resolution adopts updates to the County's FOIA Policy to comply with State law changes to FOIA Act.

**Financial Impact:** NA

**Recommendation:** Approve Resolution 20-10 adopting Policy 100-3 Freedom of Information Act requests.

**Prepared by:** Jeffery B. Lawson

**Department:** Administration

## CHEBOYGAN COUNTY

### RESOLUTION ESTABLISHING CHEBOYGAN COUNTY POLICY 100-3 FOR FREEDOM OF INFORMATION ACT REQUESTS

#### Resolution No. 20-10 of 2020

#### Recitals

WHEREAS, the Michigan Freedom of Information Act (FOIA), being Act 442 of the Public Acts of 1976, as amended, establishes the public policy of the State of Michigan that all persons, except those persons incarcerated in state or local correctional facilities, are entitled to full and complete information regarding governmental decision-making consistent with the requirements of the Act; and

WHEREAS, the Cheboygan County Board of Commissioners desires to establish this policy relating to requests for public records under the provisions of the FOIA so that those requests can be promptly and efficiently processed consistent with the requirements of the Act;

#### Resolution

NOW, THEREFORE, BE IT RESOLVED that the Cheboygan County Board of Commissioners establishes the following policy for FOIA requests, which shall read in its entirety as follows:

#### **POLICY FOR FREEDOM OF INFORMATION ACT REQUESTS**

##### Section 1. Scope of Policy.

This policy shall apply to each board, department, commission, council, or agency of Cheboygan County that has not exercised its authority as an elected official or public body, as defined in the FOIA, to establish procedures for promptly and efficiently processing requests for public records under the provisions of the FOIA consistent with the requirements of the Act. Any elected official or public body that desires to establish its own FOIA policy shall file a copy of that policy with the Cheboygan County Administrator. The elected official or public body's policy shall not be effective to exempt the elected official or public body from this policy, until the elected official or public body's policy is approved by the County's Civil Counsel to assure compliance with the Act.

##### Section 2. Definitions.

- (a) "Cybersecurity assessment" means an investigation undertaken by a person, governmental body, or other entity to identify vulnerabilities in cybersecurity plans.
- (b) "Cybersecurity incident" includes, but is not limited to, a computer network intrusion or attempted intrusion; a breach of primary computer network controls; unauthorized access to programs, data, or information contained in a computer system; or actions by a third party that materially affect component performance

or, because of impact to component systems, prevent normal computer system activities.

- (c) "Cybersecurity plan" includes, but is not limited to, information about a person's information systems, network security, encryption, network mapping, access control, passwords, authentication practices, computer hardware or software, or response to cybersecurity incidents.
- (d) "Cybersecurity vulnerability" means a deficiency within computer hardware or software, or within a computer network or information system, that could be exploited by unauthorized parties for use against an individual computer user or a computer network or information system.
- (e) "FOIA coordinator" means the Cheboygan County Administrator or such other individual designated by the County Board of Commissioners.
- (f) "Person" means an individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity. Person does not include an individual serving a sentence of imprisonment in a state or county correctional facility in this state or any other state, or in a federal correctional facility.
- (g) "Public body" means Cheboygan County, or a board, department, commission, council, or agency thereof.
- (h) "Public record" means a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. Public record does not include computer software.
- (i) "Unusual circumstances" means any 1 or a combination of the following, but only to the extent necessary for the proper processing of a request:
  - (i) The need to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to a single request.
  - (ii) The need to collect the requested public records from numerous field offices, facilities, or other establishments which are located apart from the particular office receiving or processing the request.
- (j) "Writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, and every other means of recording, and includes letters, words, pictures, sounds, or symbols, or combinations thereof, and papers, maps, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic or punched cards, discs, drums, hard drives, solid state storage components, or other means of recording or retaining meaningful content.
- (k) "Written request" means a writing that asks for information, and includes a writing transmitted by facsimile, electronic mail, or other electronic means.

### Section 3. FOIA Coordinator; Duties.

- (a) The FOIA Coordinator, as defined in this policy, may designate another individual to assist in carrying out the duties specified in this policy and in the FOIA itself.
- (b) The FOIA Coordinator shall be responsible for accepting and processing requests for public records under the FOIA and shall be responsible for approving denials under the FOIA. The FOIA Coordinator shall keep a copy of all written requests for public records on file for no less than one (1) year.
- (c) The FOIA Coordinator shall review the County's spam and junk email folders on a regular basis, which shall be no less than monthly to help ensure that requests for public records are processed in a timely manner.
- (d) The FOIA Coordinator shall provide a requesting person a reasonable opportunity for inspection and examination of its public records, and shall furnish reasonable facilities for making memoranda or abstracts from its public records during the usual business hours. However, in the event that the FOIA Coordinator determines that it is necessary to protect public records from loss, unauthorized alteration, mutilation, or destruction or if the FOIA Coordinator determines that personal inspection of records by a requesting person will cause excessive and unreasonable interference with the discharge of the functions of the various County departments and agencies, the FOIA Coordinator may determine that only copies of the requested records will be provided and that copies will be prepared in the normal course of business and during normal business hours by County employees.
- (e) The FOIA Coordinator shall make this policy and a written summary of this policy available to the public without charge in response to a written request and upon request by visitors at the County offices.
- (f) If the County maintains an Internet website, this policy and a written summary of this policy shall be maintained on the County's website at: [www.cheboygancounty.net](http://www.cheboygancounty.net), so a link to those documents will be provided in lieu of providing paper copies of those documents.
- (g) The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

### Section 4. Requests for Public Records.

- (a) Except as provided in this section, all requests for public records shall be in writing. Requests transmitted by facsimile, electronic mail, and other electronic means shall be considered written requests and shall be deemed received on the following business day. If the FOIA Coordinator determines in the sole exercise of his or her discretion that a request for a public record is simple and limited in scope, then the FOIA Coordinator may process the request, including providing a copy of the public record, without the request being in writing.

- (b) If a request for public records is received by a County employee other than the FOIA Coordinator, the request shall be date-stamped and immediately forwarded to the FOIA Coordinator.
- (c) If a person makes a verbal, non-written request for a public record believed to be available on the County's website, where practicable and to the best ability of the FOIA Coordinator or employee receiving the request, the person shall be informed of the pertinent website address for the requested public record. If the request is made to an employee, that employee shall immediately notify the FOIA Coordinator of the request and the information provided.
- (d) If an individual makes a verbal, non-written request for a public record and the FOIA Coordinator determines that the request is not simple and limited in scope, then the FOIA Coordinator shall deliver or mail to the person making the request a written form on which the individual can formally submit his or her request.
- (e) All requests for a public record shall describe the public record in sufficient detail to enable the FOIA Coordinator to find the public record.
- (f) A request from a person, other than an individual who qualifies as indigent under Section 10(j)(a) of this Policy, must include the requesting person's complete name, address, and contact information, and, if the request is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual. An address must be written in compliance with United States Postal Service addressing standards. Contact information must include a valid telephone number or electronic mail address.
- (g) A person may subscribe to future issuance of public records that are created, issued, or disseminated on a regular basis. Such a subscription is valid for six (6) months, and is renewable. When a public record covered by a subscription is created, the FOIA Coordinator shall deliver or mail a copy of the public record to the person holding the subscription at the address provided for that purpose.
- (h) A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator shall therefore deny all such requests on that basis.

Section 5. Time Limitations in which to Respond to Request.

Unless the person making the request agrees in writing to a different time period, the FOIA Coordinator shall respond to the request for a public record within five (5) business days after receiving the request. For written requests made by facsimile, electronic mail, or other electronic transmission, the date of receipt of the request is the day after the electronic transmission is made. The FOIA Coordinator shall respond to the request for a public record by doing one (1) of the following:

- (a) Granting the request.
- (b) Issuing a written notice to the requesting person denying the request.

- (c) Granting the request in part and issuing a written notice to the requesting person denying the request in part.
- (d) Issuing a notice extending for not more than ten (10) business days the period during which he or she will respond to the request. The FOIA Coordinator shall not issue more than one (1) notice of extension for a particular request. Any such notice of extension must specify the reasons for the extension and the date by which the FOIA Coordinator shall respond to the request in the manner provided in (a) - (c) above, which shall be no more than fifteen (15) business days from the date the request was received.
- (e) Issuing a written notice indicating that the public record requested is available at no charge on the County's website.

#### Section 6. Procedures when Request is Granted.

- (a) If the request is granted, or granted in part, the FOIA Coordinator shall require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available.
- (b) The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request.
- (c) Except as provided herein, a copy of this policy and a summary of this policy shall be provided to the requestor free of charge in response to a written request for the policy. Provided, however, that if this policy and a summary of this policy are maintained on the County's website at: [www.cheboygancounty.net](http://www.cheboygancounty.net), a link to this policy and a summary of this policy shall be provided in lieu of providing paper copies of these documents.
- (d) If the cost of processing a FOIA request is \$50 or less, the requester shall be notified of the amount due and where the documents can be obtained.
- (e) If the cost of processing a FOIA request is expected to exceed \$50 based on a good-faith calculation, or if the requestor has not paid in full for a previously granted request, the FOIA Coordinator shall require a good-faith deposit pursuant to Section 10(b) of this policy before processing the request.
- (f) In making the request for a good-faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the County to process the request and also provide a best efforts estimate of a time frame it will take the FOIA Coordinator to provide the records to the requestor. The best efforts estimate shall not be binding on the County, but shall be made in good faith and shall strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA.

### Section 7. Records Exempt from Disclosure.

Pursuant to the FOIA the public records specified in Exhibit A, attached hereto and incorporated herein by reference, shall be exempt from disclosure.

### Section 8. Denial of Requests for Public Records.

- (a) Before denying, in whole or in part, a request for a public record, the FOIA Coordinator shall consult with the County attorney. The FOIA Coordinator shall provide the County attorney with whatever information (including a copy of the requested public record) he or she deems necessary to determine whether legal grounds exist to deny, in whole or in part, the request for that public record.
- (b) If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this policy.
- (c) If the FOIA Coordinator desires to deny the request, in whole or in part, and the County attorney concludes that legal grounds exist to support that denial, then the FOIA Coordinator shall issue a written notice denying the request for the public record. The written denial notice must contain the following:
  - (i) An explanation of the basis under the FOIA or any other statute for the determination that the public record, or a portion of the public record, is exempt from disclosure, if that is the reason for the denial.
  - (ii) A certificate that the public record does not exist under the name given by or as described by the person making the request or by any other name or description reasonably known to the FOIA Coordinator, if that is the reason for the denial.
  - (iii) If a separation or deletion is made, a description of the public record or information on the public record that is exempt from disclosure and separated or deleted from the disclosed public record as required by the FOIA, unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.
  - (iv) A full explanation of the requesting person's right to do either of the following:
    - (1) File a written appeal with the County Board of Commissioners, which appeal shall include the word "appeal" in a prominent place on the front page and shall identify the reason or reasons the FOIA Coordinator's denial decision should be reversed.

- (2) File a lawsuit in circuit court within 180 days after the final decision denying the request which seeks to compel the FOIA Coordinator to disclose the public record requested.
- (v) A notice of the right to receive in a circuit court lawsuit reasonable attorneys' fees, costs, and disbursements if the circuit court determines that the County has not complied with the FOIA and orders disclosure of all or a portion of the public record requested and of the right to receive compensatory damages and \$1,000.00 in punitive damages if the circuit court determines that the County has arbitrarily and capriciously violated the FOIA.

#### Section 9. Administrative Appeals.

- (a) If the FOIA Coordinator makes a determination to deny all or a portion of a request, the requesting person may submit a written appeal to the County Board of Commissioners.
- (b) The County Board of Commissioners is hereby designated the body vested with authority to hear and decide appeals from decisions by the FOIA Coordinator denying requests for public records under the FOIA.
- (c) Any appeal of the FOIA Coordinator's decision denying a request for a public record must be filed in writing with the County Clerk, must state the word "appeal" in a prominent place on the first page of the documents filed, and must identify the reason or reasons the FOIA Coordinator's denial decision should be reversed. The County FOIA Appeal Form may be used.
- (d) Pursuant to the FOIA, the County Board of Commissioners is not deemed to have received the appeal until the first regularly scheduled meeting of the County Board of Commissioners following submission of the written appeal.
- (e) Within ten (10) days after receiving a written appeal, the County Board of Commissioners shall do one (1) of the following:
  - (i) Reverse the disclosure denial.
  - (ii) Issue a written notice to the person making the disclosure request upholding the disclosure denial.
  - (iii) Reverse the disclosure denial in part and issue a written notice to the person making the disclosure request upholding the disclosure denial in part.
  - (iv) Under unusual circumstances, issue a notice extending for not more than ten (10) business days the period during which the County Board of Commissioners will respond to the written appeal. The County Board of Commissioners shall not issue more than one (1) notice of extension for a particular written appeal.

- (f) In deciding an appeal the County Board of Commissioners shall consider the disclosure request without regard to the FOIA Coordinator's decision and shall determine whether the requested public record should be disclosed, in whole or in part, or whether the public record, in whole or in part, is exempt from disclosure under the FOIA.
- (g) If the County Board of Commissioners fails to respond to a written appeal or upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing an action in circuit court within 180 days after the County Board of Commissioners's final determination to deny the request.
- (h) Whether or not a requestor submitted an appeal of a denial to the County Board of Commissioners, he or she may file a civil action in the Circuit Court within 180 days after the County's final determination to deny the request.
- (i) If a court that determines a public record is not exempt from disclosure, it shall order the County to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Failure to comply with an order of the court may be punished as contempt of court.
- (j) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in such an action, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or County prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.
- (k) If the court determines that the County has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the County to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

#### Section 10. Fees.

- (a) The County Board of Commissioners shall adopt by separate resolution a schedule of fees to be charged in connection with a request to inspect, copy, or receive copies of a public record under the FOIA.
- (b) Good-faith Fee Deposits
  - (i) If the fee estimate is expected to exceed \$50.00 based on a good-faith calculation, the requestor shall be asked to provide a deposit not exceeding one-half of the total estimated fee.

- (ii) If a request for public records is from a person who has not paid the County in full for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator shall require a deposit of 100% of the estimated fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:
  - (1) The final fee for the prior written request was not more than 105% of the estimated fee.
  - (2) The public records made available contained the information sought in the prior written request and remain in the County's possession.
  - (3) The public records were made available to the individual, subject to payment, within the time frame estimated by the County to provide the records.
  - (4) Ninety (90) days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing.
  - (5) The individual is unable to show proof of prior payment to the County.
  - (6) The FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.
- (iii) The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:
  - (1) The person making the request is able to show proof of prior payment in full to the County.
  - (2) The County is subsequently paid in full for the applicable prior written request.
  - (3) Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to the County.
- (iv) If a deposit that is required under Section 10(b) of this policy is not received by the County within 45 days from receipt by the requesting person of the notice that a deposit is required, and if the requesting person has not filed an appeal of the deposit amount, the request shall be considered abandoned by the requesting person and the County is no longer required to fulfill the request. Notice of a deposit requirement is considered received 3 days after it is sent, regardless of the means of

transmission. Notice of a deposit requirement must include notice of the date by which the deposit must be received, which date is 48 days after the date the notice is sent.

- (c) Calculation of Fees. The following costs may be included when calculating the fees associated with processing a FOIA request:
  - (i) Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
  - (ii) Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the County.
  - (iii) Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the County.
  - (iv) The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the County's website if you ask for the County to make copies.
  - (v) The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the County's website if you ask for the County to make copies.
  - (vi) The cost to mail or send a public record to a requestor.
- (d) Unreasonably High Costs.
  - (i) Costs for the search, examination review, and deletion and separation of exempt from non-exempt information are "unreasonably high" when they are excessive and beyond the normal or usual amount for those services (Attorney General Opinion 7083 of 2001) compared to the costs of the County's usual FOIA requests, not compared to the County's operating budget. (*Bloch v. Davison Community Schools*, Michigan Court of Appeals, Unpublished, April 26, 2011)
  - (ii) The following factors shall be used to determine an unreasonably high cost to the County:
    - (1) The volume of the public record requested.
    - (2) The amount of time spent to search for, examine, review and separate exempt from non-exempt information in the record requested.

- (3) Whether the public records are from more than one County department or whether various County offices are necessary to respond to the request.
  - (4) The available staffing to respond to the request.
  - (5) Any other similar factors identified by the FOIA Coordinator in responding to the particular request.
- (e) Labor Costs. When calculating labor costs for the purpose of the FOIA fee these labor costs shall be based on all of the following requirements:
  - (i) All labor costs shall be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there shall be no charge for labor costs.
  - (ii) Labor costs shall be charged at the hourly wage of the lowest-paid County employee capable of doing the work in the specific fee category, regardless of who actually performs the work.
  - (iii) Labor costs shall also include a charge to cover or partially cover the cost of fringe benefits.
  - (iv) The County may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
  - (v) Overtime wages shall not be included in labor costs unless agreed to by the requestor; overtime costs shall also not be used to calculate the fringe benefit cost.
  - (vi) Contracted labor costs shall be charged at an hourly rate equal to six (6) times the state minimum hourly wage.
- (f) Costs Associated with Non-paper Physical Media. When an individual requests that the public records be provided on a non-paper physical media, the following requirements shall be met and the following costs shall be included when establishing the FOIA fee:
  - (i) Computer disks, computer tapes or other digital or similar media shall be at the actual and most reasonably economical cost for the non-paper media.
  - (ii) This cost shall only be assessed if the County has the technological capability necessary to provide the public record in the requested non-paper physical media format.

- (iii) The County shall procure any non-paper media and shall not accept media from the requestor in order to ensure integrity of the County's technology infrastructure.
- (g) Costs of Providing paper Copies. The cost to provide paper copies of public records shall be based on the following requirements:
  - (i) Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper shall not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper shall reflect the actual cost of reproduction.
  - (ii) The County shall provide copies of public records using double-sided printing, if it is cost-saving and available.
  - (iii) The cost to mail public records to a requestor shall be based on the following requirements:
    - (1) The actual cost to mail public records using a reasonably economical and justified means.
    - (2) The County may charge for the least expensive form of postal delivery confirmation.
    - (3) No cost shall be made for expedited shipping or insurance unless specified by the requestor.
- (h) Reduced Fee for Failure to Respond to the FOIA Request Timely. If the FOIA Coordinator does not respond to a written FOIA request in a timely manner, the County shall:
  - (i) Reduce the labor costs by 5% for each day the County exceeds the time permitted under FOIA up to a 50% maximum reduction, if any of the following applies:
    - (1) The County's late response was willful and intentional.
    - (2) The written request conveyed a request for information within the first 250 words of the body of a letter facsimile, email or email attachment.
    - (3) The written request included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy" or a recognizable misspelling of such, or legal code reference to MCL 15. 231, et seq. or 1976 Public Act 442 on the front of an envelope or in the subject line of an email, letter or facsimile cover page.
  - (ii) Fully note the charge reduction in the Detailed Itemization of Costs Form.

- (i) Waiver of FOIA Fees. The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The County Board of Commissioners may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.
- (j) Discounted FOIA Fees.
  - (a) Indigence.
    - (1) The FOIA Coordinator shall discount the first \$20.00 of the FOIA fee if the person requesting a public record submits an affidavit stating that they are one (1) of the following:
      - (A) Indigent and receiving specific public assistance.
      - (B) If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.
    - (2) An individual is not eligible to receive the discounted fee any of the following apply:
      - (A) The requestor has previously received discounted copies of public records from the County twice during the calendar year.
      - (B) The individual requests information in connection with other persons who are offering or providing payment to make the request.
    - (3) The FOIA Coordinator may make a Fee Waiver Affidavit Form available for use by the public.
  - (b) Nonprofit organization advocating for developmentally disabled or mentally ill individuals. The FOIA Coordinator shall discount the first \$20.00 of the processing fee for a request from a nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal developmental disabilities assistance and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or their successors, if the request meets all of the following requirements:
    - (1) It is made directly on behalf of the organization or its clients.
    - (2) It is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, 1974 PA 258, MCL 330.1931.

(3) It is accompanied by documentation of its designation by the state, if requested by the FOIA Coordinator.

- (k) FOIA Fees Not Applicable for Sale of Public Records. The fees authorized by this section shall not apply to public records prepared under an act or statute specifically authorizing the sale of those public records to the public, or if the amount of the fee for providing a copy of the public record is otherwise specifically provided by a state statute or by separate resolution or ordinance of the County.

Section 11. Appeal of Excessive Fee Decision.

- (a) If a requestor believes that the fee charged by the County to process a FOIA request exceeds the amount permitted by state law or under this policy, he or she must first appeal to the County Board of Commissioners by submitting a written appeal for a fee reduction to the County Clerk.
- (b) The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. The County FOIA Appeal Form (To Appeal an Excess Fee) may be used.
- (c) The County Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled County Board of Commissioners meeting following submission of the written appeal.
- (d) Within 10 business days after receiving the appeal, the County Board of Commissioners will respond in writing by doing one of the following:
- (i) Waiving the fee.
  - (ii) Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee.
  - (iii) Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee.
  - (iv) Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the County Board of Commissioners will respond to the written appeal. The County Board of Commissioners shall not issue more than 1 notice of extension for a particular written appeal.
- (e) Where the County Board of Commissioners reduces or upholds the fee, the determination must include a certification from the County Board of Commissioners that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available FOIA policy and Section 4 of the FOIA.

- (f) Within 45 days after receiving notice of the County Board of Commissioners's determination of an appeal, the requesting person may commence a civil action in the County Circuit Court for a fee reduction.
- (g) If a civil action is commenced against the County for an excess fee, the County is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute.
- (h) An action shall not be filed in circuit court unless one of the following applies:
  - (i) The County does not provide for appeals of fees.
  - (ii) The County Board of Commissioners failed to respond to a written appeal as required.
  - (iii) The County Board of Commissioners issued a determination to a written appeal.
- (i) If a court determines that the County required a fee that exceeds the amount permitted under this FOIA policy or Section 4 of the FOIA, the court shall reduce the fee to a permissible amount. Failure to comply with an order of the court may be punished as contempt of court.
- (j) If the requesting person prevails in court by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the County as damages.
- (k) If the court determines that the County has arbitrarily and capriciously violated the FOIA by charging an excessive fee, the court shall order the County to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the County.

Section 12. Severability.

If any section, clause, or provision of this policy be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the policy. The County Board of Commissioners hereby declares that it would have passed this policy and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 13. Repeal of Prior FOIA Policy.

Cheboygan County's prior FOIA policy, if any, is hereby repealed in its entirety.

Section 14. Effective Date.

This policy shall become effective the day after this resolution is published on the County's website or posted in a conspicuous location in the County offices.

**RESOLUTION DECLARED ADOPTED.**

COUNTY OF CHEBOYGAN

By: \_\_\_\_\_  
John B. Wallace, Chairperson

I, the undersigned, the Clerk of Cheboygan County, Cheboygan County, State of 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 meeting held on \_\_\_\_\_, 2020, relative to adoption of the resolution therein set forth; that said meeting was conducted and public notice of 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.

Dated: \_\_\_\_\_

Karen L. Brewster, Clerk

## EXHIBIT A

### Public Records Exempt from Disclosure under the Freedom of Information Act

- (a) Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.
- (b) Investigating records compiled for law enforcement purposes, but only to the extent that disclosure as a public record would do any of the following:
  - (i) Interfere with law enforcement proceedings.
  - (ii) Deprive a person of the right to a fair trial or impartial administrative adjudication.
  - (iii) Constitute an unwarranted invasion of personal privacy.
  - (iv) Disclose the identity of a confidential source, or if the record is compiled by a law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source.
  - (v) Disclose law enforcement investigative techniques or procedures.
  - (vi) Endanger the life or physical safety of law enforcement personnel.
- (c) A public record that if disclosed would prejudice a public body's ability to maintain the physical security of custodial or penal institutions occupied by persons arrested or convicted of a crime or admitted because of a mental disability, unless the public interest in disclosure under this act outweighs the public interest in nondisclosure.
- (d) Records or information specifically described and exempted from disclosure by statute.
- (e) A public record that is furnished by the public body to a public officer in connection with the performance of the duties of that public officer, if the considerations originally giving rise to the exempt nature of the public record remain applicable.
- (f) Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing policy if:
  - (i) The information is submitted upon a promise of confidentiality by the public body.

- (ii) The promise of confidentiality is authorized by the Board of Commissioners at the time the promise is made.
  - (iii) A description of the information is recorded by the public body within a reasonable time after it has been submitted, maintained in a central place within the public body, and made available to a person upon request. This subdivision does not apply to information submitted as a condition of receiving a contract, license, or other benefit.
- (g) Information or records subject to the attorney-client privilege.
- (h) Information or records subject to the physician-patient privilege, the psychologist-patient privilege, the minister, priest, or Christian Science practitioner privilege, or other privilege recognized by statute or court rule.
- (i) A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the deadline for submission of bids or proposals has expired.
- (j) Appraisals of real property to be acquired by the public body until either of the following occurs:
  - (i) An agreement is entered into.
  - (ii) Three years have elapsed since the making of the appraisal, unless litigation relative to the acquisition has not yet terminated.
- (k) Test questions and answers, scoring keys, and other examination instruments or data used to administer a license, public employment, or academic examination, unless the public interest in disclosure under this act outweighs the public interest in nondisclosure.
- (l) Medical, counseling, or psychological facts or evaluations concerning an individual if the individual's identity would be revealed by a disclosure of those facts or evaluation.
- (m) Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action. This exemption does not apply unless the public body shows that in the particular instance the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure.

- (n) Records of law enforcement communication codes, or plans for deployment of law enforcement personnel, that if disclosed would prejudice a public body's ability to protect the public safety unless the public interest in disclosure under this act outweighs the public interest in nondisclosure in the particular instance.
- (o) Testing data developed by a public body in determining whether bidders' products meet the specifications for purchase of those products by the public body, if disclosure of the data would reveal that only 1 bidder has met the specifications. This subdivision does not apply after 1 year has elapsed from the time the public body completes the testing.
- (p) Unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance, public records of a law enforcement agency, the release of which would do any of the following:
  - (i) Identify or provide a means of identifying an informant.
  - (ii) Identify or provide a means of identifying a law enforcement undercover officer or agent or a plain clothes officer as a law enforcement officer or agent.
  - (iii) Disclose the personal address or telephone number of active or retired law enforcement officers or agents or a special skill that they may have.
  - (iv) Disclose the name, address, or telephone numbers of family members, relatives, children, or parents of active or retired law enforcement officers or agents.
  - (v) Disclose operational instructions for law enforcement officers or agents.
  - (vi) Reveal the contents of staff manuals provided for law enforcement officers or agents.
  - (vii) Endanger the life or safety of law enforcement officers or agents or their families, relatives, children, parents, or those who furnish information to law enforcement departments or agencies.
  - (viii) Identify or provide a means of identifying a person as a law enforcement officer, agent, or informant.
  - (ix) Disclose personnel records of law enforcement agencies.
  - (x) Identify or provide a means of identifying residences that law enforcement agencies are requested to check in the absence of their owners or tenants.

- (q) Records of a public body's security measures, including security plans, security codes and combinations, passwords, passes, keys, and security procedures, to the extent that the records relate to the ongoing security of the public body.
- (r) Records or information relating to a civil action in which the requesting party and the public body are parties.
- (s) Information or records that would disclose the social security number of an individual.
- (t) Records or information of measures designed to protect the security or safety of persons or property, whether public or private, including, but not limited to, building, public works, and public water supply designs to the extent that those designs relate to the ongoing security measures of a public body, capabilities and plans for responding to a violation of the Michigan anti-terrorism act, the Michigan penal code, emergency response plans, risk planning documents, threat assessments, domestic preparedness strategies, and cybersecurity plans, assessments, or vulnerabilities, unless disclosure would not impair a public body's ability to protect the security or safety of persons or property or unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance.
- (u) Information that would identify or provide a means of identifying a person that may, as a result of disclosure of the information, become a victim of a cybersecurity incident or that would disclose a person's cybersecurity plans or cybersecurity-related practices, procedures, methods, results, organizational information system infrastructure, hardware, or software.
- (v) Research data on road and attendant infrastructure collected, measured, recorded, processed, or disseminated by a public agency or private entity, or information about software or hardware created or used by the private entity for such purposes.

## Cheboygan County

### Public Summary of FOIA Policy

It is the public policy of this state that all persons (except those persons incarcerated in state or local correctional facilities) are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees. Consistent with the Michigan Freedom of Information Act (FOIA), Public Act 442 of 1976, the following is the Written Public Summary of the County's FOIA Policy relevant to the general public. This is only a summary of the County's FOIA Policy. For more details and information, copies of the County's FOIA Policy are available at no charge at the office of the County's FOIA Coordinator and on the County's website: [www.\\_\\_\\_\\_\\_](http://www._____).

#### 1. How do I submit a FOIA request to the County?

A request must sufficiently describe a public record so as to enable the County to find it.

A request must include the requesting person's complete name, address, and contact information. The address must be written in compliance with United States Postal Service addressing standards. The contact information must also include a valid telephone number or electronic mail address

Please include the words "FOIA" or "FOIA Request" in the request to assist the County in providing a prompt response.

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the County may be submitted on the County's FOIA Request Form, in any other form of writing (letter, fax, email, etc.).

No specific form to submit a written request is required. However a FOIA Request Form and other FOIA-related forms are available for your use and convenience on the County's website at [www.\\_\\_\\_\\_\\_](http://www._____), and at the County Clerk's office.

Written requests may be delivered to the County Building in person or by mail to the following address: \_\_\_\_\_

Requests may be faxed to: (\_\_\_\_\_) \_\_\_\_\_. To ensure a prompt response, faxed requests should contain the term "FOIA" or "FOIA Request" on the first/cover page.

Finally, requests may be emailed to: \_\_\_\_\_. To ensure a prompt response, email requests should contain the term "FOIA" or "FOIA Request" in the subject line.

## 2. What kind of response can I expect to my request?

Within 5 business days after receiving a FOIA request the County will issue a response. If a request is received by fax or email, the request is deemed to have been received on the following business day. The County will respond to your request in one of the following ways:

- Granting the request.
- Issue a written notice denying the request.
- Granting the request in part and issue a written notice denying in part the request.
- Issuing a notice indicating that due to the nature of the request the County needs an additional 10 business days to respond.
- Issuing a written notice indicating that the public record requested is available at no charge on the County's website.

If the request is granted, or granted in part, the County will ask that payment be made for the allowable fees associated with responding to the request before the public record is made available.

If the cost of processing the request is expected to exceed \$50, or if you have not paid for a previously granted request, the County will require a deposit before processing the request.

## 3. What are the County's deposit requirements?

If the County has made a good faith calculation that the total fee for processing the request will exceed \$50.00, the County will require that you provide a deposit in the amount of 50% of the total estimated fee. When the County requests the deposit, it will provide you a non-binding best efforts estimate of how long it will take to process the request after you have paid your deposit.

If a required deposit is not received by the County within 45 days from when you receive the notice of the deposit (3 days after the notice requiring the deposit is sent), and if you have not filed an appeal of the deposit amount, your FOIA request shall be considered abandoned, and the County will no longer be required to fulfill your request. The notice of a deposit requirement will include the date that the deposit must be received (48 days after the date the notice is sent).

If the County receives a request from a person who has not paid the County for copies of public records made in fulfillment of a previously granted written request, the County

will require a deposit of 100% of the estimated processing fee before it begins to search for the public record for any subsequent written request when all of the following conditions exist:

- The final fee for the prior written request is not more than 105% of the estimated fee.
- The public records made available contained the information sought in the prior written request and remain in the County's possession.
- The public records were made available to the individual, subject to payment, within the best effort time frame estimated by the County to provide the records.
- Ninety (90) days have passed since the County notified the individual in writing that the public records were available for pickup or mailing.
- The individual is unable to show proof of prior payment to the County.
- The County has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.

However, the County will not require the 100% estimated fee deposit if any of the following apply:

- The person making the request is able to show proof of prior payment in full to the County.
- The County is subsequently paid in full for all applicable prior written requests.
- Three hundred sixty five (365) days have passed since the person made the request for which full payment was not made to the County.

#### 4. How does the County calculate FOIA processing fees?

##### A. General Fees

The Michigan FOIA statute permits the County to charge for the following costs associated with processing a request:

- Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
- Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the County.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the County.

- The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the County's website if you ask for the County to make copies.
- The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the County's website if you ask for the County to make copies.
- The cost to mail or send a public record to a requestor.

## B. Specific Fees

### Labor Costs:

All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.

Labor costs will be charged at the hourly wage of the lowest-paid County employee capable of doing the work in the specific fee category, regardless of who actually performs work.

Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. County may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.

Overtime wages will not be included in labor costs unless you agree; overtime costs will not be used to calculate the fringe benefit cost.

Contracted labor costs will be charged at the hourly rate of six (6) times the state minimum hourly wage, which is currently \$48.90.

A labor cost will not be charged for the search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the County.

Costs are unreasonably high when they are excessive and beyond the normal or usual amount for those services compared to the County's usual FOIA requests, because of the nature of the request in the particular instance. The County must specifically identify the nature of the unreasonably high costs in writing.

### Copying and Duplication:

The County must use the most economical method for making copies of public records, including using double-sided printing, if cost-saving and available.

### Non-paper Copies on Physical Media:

The cost for records provided on non-paper physical media, such as computer discs, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.

This cost will be charged only if the County has the technological capability necessary to provide the public record in the requested non-paper physical media format.

### Paper Copies:

Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper.

Copies for non-standard sized sheets will paper will reflect the actual cost of reproduction.

### Mailing Costs:

The cost to mail public records will use a reasonably economical and justified means.

The County may charge for the least expensive form of postal delivery confirmation.

No cost will be made for expedited shipping or insurance unless you request it.

### Waiver of Fees:

The cost of searching for and copying a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The County Board of Commissioners may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

#### 5. How do I qualify for an indigence discount on the fee?

The County will discount the first \$20.00 of fees for a request if you submit an affidavit stating that you are in one (1) of the following categories:

- You are indigent and receiving specific public assistance.
- If you are not receiving public assistance, then you must state facts demonstrating an inability to pay because of indigence.

However, you are not eligible to receive the \$20.00 discount if either of the following apply to you:

- You have previously received discounted copies of public records from the County twice during the calendar year.
- You are requesting information on behalf of other persons who are offering or providing payment to you to make the request.

6. May a nonprofit organization receive a discount on the fee?

A nonprofit organization advocating for developmentally disabled or mentally ill individuals that is formally designated by the state to carry out activities under Subtitle C of the Federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-319, may receive a \$20.00 discount if the request meets all of the following requirements in the Act:

- Is made directly on behalf of the organization or its clients.
- Is made for a reason wholly consistent with the mission and provisions of those laws under Section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931.
- Is accompanied by documentation of its designation by the state, if requested by FOIA Coordinator.

7. How may I challenge the denial of a public record or an excessive fee?

A. Appeal of a Denial of a Public Record

If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, you may appeal to the County Board of Commissioners by filing a written appeal of the denial with the County Clerk.

The appeal must be in writing, specifically state the word “appeal,” and identify the reason or reasons you are seeking a reversal of the denial. You may use the County FOIA Appeal Form (To Appeal a Denial of Records), which is available on the County’s website: [www.\\_\\_\\_\\_\\_](http://www._____).

Within 10 business days of receiving the appeal the County Board of Commissioners will respond in writing by doing one (1) of the following:

- Reversing the disclosure denial.
- Upholding the disclosure denial.
- Reverse the disclosure denial in part and uphold the disclosure denial in part.

Regardless of whether you submitted an appeal of a denial to the County Board of Commissioners, you may file a civil action in Circuit Court within 180 days after the County’s final determination to deny your request. If you prevail in the civil action the

Court will award you reasonable attorneys' fees, costs and disbursements. If the Court determines that the County acted arbitrarily and capriciously in refusing to disclose or provide a public record, the Court will award you damages in the amount of \$1,000.

### B. Appeal of an Excess FOIA Processing Fee

If you believe that the fee charged by the County to process your FOIA request exceeds the amount permitted by state law, you must first appeal to the County Board of Commissioners by filing a written appeal for a fee reduction to the County Clerk.

The appeal must specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. You may use the County FOIA Appeal Form (To Appeal an Excess Fee), which is available at the County Hall and on the County's website: [www.\\_\\_\\_\\_\\_](http://www._____).

Within 10 business days after receiving the appeal, the County Board of Commissioners will respond in writing by doing one (1) of the following:

- Waiving the fee.
- Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee.
- Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee.
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the County Board of Commissioners will respond to the written appeal.

Within 45 days after receiving notice of the County Board of Commissioners's determination of the processing fee appeal, you may commence a civil action in Circuit Court for a fee reduction. If you prevail in the civil action by receiving a reduction of 50% or more of the total fee, the Court may award all or an appropriate amount of reasonable attorneys' fees, costs and disbursements. If the Court determines that the County acted arbitrarily and capriciously by charging an excessive fee, the Court may also award you punitive damages in the amount of \$500.