

**SPECIAL MEETING
BAY COUNTY BOARD OF COMMISSIONERS**

A G E N D A

TUESDAY, OCTOBER 17, 2017

4:30 P.M.

(or immediately following the Personnel/Human Services Committee meeting)

COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING

PAGE NO.

I CALL TO ORDER (CHAIRMAN HEREK)

II ROLL CALL

III INVOCATION

IV PLEDGE OF ALLEGIANCE

V CITIZEN INPUT

VI ITEMS FOR CONSIDERATION

1- 11 1. Res. No. 2017-230 - 2017 Apportionment (Equalization)

12 2. Res. No. 2017-231 - Waiver of Purchasing Policy/Replacement of Center Ridge Arms Parking Lot (Buildings and Grounds)

VII UNFINISHED BUSINESS

VIII NEW BUSINESS

IX MISCELLANEOUS

X ANNOUNCEMENTS

XI CLOSED SESSION

A. Personnel Director - Pending Litigation (Vanness 0356-15-06202)

Motion: To go into closed session pursuant to MCLA 15.268, Sec. 8 (e): To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

XII RECESS/ADJOURNMENT

BAY COUNTY BOARD OF COMMISSIONERS

OCTOBER 17, 2017

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (11/7/17)

WHEREAS, The Bay County Board of Commissioners has the duty, in its October annual session, to do the following in accordance with 211.37 of the Michigan Property Tax Laws; and

WHEREAS, These requirements are as follows:

Sec. 37: The County Board of Commissioners, at its annual session in October in each year, shall ascertain and determine the amount of money to be raised for County purposes, which determination and apportionment shall be entered at large on its records. It shall also examine all certificates, statements, papers, and records submitted to it, showing the moneys to be raised in the several townships for school, highway, drain, township and other purposes. It shall hear and duly consider all objections made to raising any such moneys by any taxpayer to be affected thereto. If it shall appear to the Board that any certificate, statement, paper, or record is not properly certified, or that the same is in anyway defective, or that any proceeding to authorize the raising of any such moneys had not been had or is in anyway imperfect, the Board shall certify the same, and if the certificate, statement, paper, record, or proceeding can then be corrected, supplied or had, the Board shall authorize and require the defects or omissions of proceedings to be corrected, supplied, or had. It may refer any or all the certificates, statements, papers, records, and proceedings to the Prosecuting Attorney, whose duty it shall be to examine the same and without delay, report in writing his opinion to the Board. It shall direct that such of the several amounts of money proposed to be raised for township, school, highway, drain, and all other purposes as shall be authorized by law, be spread upon the assessment roll of the proper townships, wards and cities. Such action and direction shall be entered in full upon the records of the proceedings of the Board, and shall be final as to the levy and assessment of all such taxes, except when there is a change made in the equalization of any county by the Board or State Tax Commission upon appeal in the manner provided by law. The direction for spread of taxes shall be expressed in terms of millages to be spread against the taxable values of properties and shall not direct the raising of any specific amount of money. This section does not apply when Section 36(2) applies; and

WHEREAS, The Bay County Board of Commissioners has caused the above to be thoroughly checked for statutory requirements; Therefore, Be It

RESOLVED That the following county millages shall be levied on the 2017 taxable value of real and personal property 2017 assessments rolls of each township and city within the County of Bay:

—

Mills

Bay County General Operating	5.7257
Bay County Library Operating	1.0000
Bay County Library Improvement	0.9953
Bay County Senior Citizens	0.5500
Bay County Historical Society	0.0952
Bay County Veterans	0.1000
Mosquito Control	0.5500
911/Central Dispatch	0.7000
Gypsy Moth	<u>0.0000</u>
Total	9.7162

Note: The millages on the November ballot will be added to apportionment once they are approved and the report will be amended at that time.

All millages are in accordance with the demands as presented on the Clerk's Certificates for schools, intermediate schools, community college city, township, and authority within the above local units. All have been checked for statutory compliance and, to the best of our knowledge, are in compliance with the Michigan Statutes. All special assessments, drain taxes, and all other taxes authorized by law shall be levied in accordance with the Michigan Statutes; Be It Further

RESOLVED That the Chairman of the Board and the Bay County Clerk are authorized to execute the Clerk's Certificates, the 4029's and any other documentation required.

**MICHAEL E. LUTZ, CHAIR
AND COMMITTEE**

Equalization - 2017 Apportionment

MOVED BY COMM. RYDER

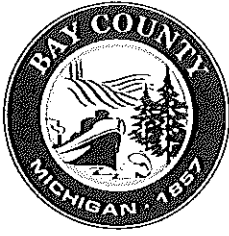
SUPPORTED BY COMM. DURANCZYK

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	X			KIM J. COONAN	X			MICHAEL E. LUTZ	X		
ERNIE KRYGIER			X	THOMAS M. HEREK	X						
VAUGHN J. BEGICK			X	TOM RYDER	X						

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
 VOICE: X YEAS 5 NAYS 0 EXCUSED 2

DISPOSITION: ADOPTED X DEFEATED _____ WITHDRAWN _____
 AMENDED _____ CORRECTED _____ REFERRED _____



**BAY COUNTY
EQUALIZATION DEPARTMENT**

James A. Barcia
County Executive

Richard Gruber
Director

Kelly Rifenburg
Deputy Director
rifenburgk@baycounty.net

To: Bay County Board of Commissioners
Thomas Herek, Chairman

From: Bay County Equalization Department
Kelly Rifenburg, Deputy Director

Re: October Apportionment Session

Date: October 11, 2017

Per MCL 211.37 the county board of commissioners, at a session held not later than October 31 in each year, shall examine all certificates, statements, papers, and records submitted to it, showing the money to be raised in the several townships for school, highway, drain, township, and other purposes. The board shall direct that the money proposed to be raised for township, school, highway, drain, and all other purposes authorized by law shall be spread upon the assessment roll of the proper townships, wards, and cities.

If voters approve, on November 7, 2017, millage to be levied in December, the county board of commissioners must meet in November to amend its apportionment report to reflect the additional millage.

The Gypsy Moth Program has opted to not levy their millage for 2017, as they currently have a surplus.



2017 Apportionment Report

Other County and Local Unit Information is contained in the following reports:
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County Name	County Allocated Ratio	Total County Operating Rate	Total County Debt Rate
BAY	5.7257	3.9905	0.0000

Local Unit Name	Total Allocated / Charter Rate	Total Debt Rate	Total Debt Rate
BANGOR TWP.	1.2454	1.5000	0.0000
BEAVER TWP.	1.0154	3.6888	0.0000
FRANKENLUST TWP.	1.1941	0.9991	0.0000
FRASER TWP.	1.1536	2.0000	0.0000
GARFIELD TWP.	1.1228	1.4078	0.0000
GIBSON TWP.	1.0869	0.4939	0.0000
HAMPTON TWP.	5.0000	1.6500	0.0000
KAWKAWLIN TWP.	1.1197	1.9982	0.0000
MERRITT TWP.	1.1737	1.4798	0.0000
MONITOR TWP.	1.2290	2.6994	0.0000
MY FOREST TWP.	1.0944	2.3605	0.0000
PINCONNING TWP.	1.1640	0.0000	0.0000
PORTSMOUTH TWP.	2.7766	1.4978	0.0000
WILLIAMS TWP.	4.4000	0.0000	0.0000
ALBURN CITY	13.5000	0.0000	0.0000
BAY CITY CITY	19.9845	0.0000	4.4470
ESSEXVILLE CITY	12.6000	3.6331	0.0000
PINCONNING CITY	14.6798	0.0000	0.0000
MIDLAND CITY	12.7475	2.1556	3.2602

Community College Name	Total Operating Rate	Total Debt Rate
DELTA CC	2.0427	0.0000

Authority Name (DDA, Dist. Library, Transit, Rec Auth., Fire Auth., etc.)	Total Authority Operating Rate	Total Authority Debt Rate
TRANSIT COUNTYWAIDE	0.7478	0.0000
LIVAGOD METRO WATER	5.0000	0.0000
BAY CITY DDA	1.9300	0.0000
ESSEXVILLE DDA	1.0000	0.0000
MIDLAND DDA	0.0000	0.0000

Intermediate School District Name	ISD Allocated Rate	ISD Total Vocational / Spec Ed Rate	ISD Total Debt Rate	ISD Enhancement Rate
BAYARENA	0.1891	4.7542	0.0000	0.0000
SAGINAW	0.1465	1.9417	0.0000	0.0000
TUSCOLA	0.1411	4.0596	0.0000	0.0000

Local K12 School District Name	Total Hold Harmless / Supplemental Oper Rate	Total Whole Non Homestead Oper Rate	Total Debt / Shinking Fund / Bldg Site Rate	Total Non Homestead Oper Rate for Comm. Pers.	Total Recreational Rate
BANGOR TWP.	0.0000	18.0000	2.3500	6.0000	0.0000
BAY CITY	0.0000	18.0000	4.4600	6.0000	0.0000
ESSEXVILLE HAMPTON	0.0000	17.9641	4.4600	5.9641	0.0000
FRELAND	0.0000	18.0000	3.8156	6.0000	0.0000
PINCONNING	0.0000	18.0000	3.0200	6.0000	0.0000
REESE	0.0000	17.7372	4.0000	5.7372	0.0000
STANDISH STERLING	0.0000	18.0000	4.2500	6.0000	0.0000

-4-

2017 Apportionment Report



(A) County Name	(B) Taxable Value	(C) County Allocated Rate / SET	(D) Est. County Allocated / SET Tax Dollars	(E) Total County Extra Voted Operating Rate	(F) Est. County EV Oper. Tax Dollars	(G) Total County Debt Rate	(H) Est. County Debt Tax Dollars	(I) Total Est. County Tax Dollars	(BB) Total RenZone Taxable Value
Bay	2,760,205,965.00	5.7267	15,804,111.29	3.9905	11,014,601.92	0.0000	0.00	26,818,713.21	175,972.00
STATE ED. TAX	2,727,062,815.00	6.0000	16,362,376.89	0.0000	0.00	0.0000	0.00	0.00	0.00

(J) Local Unit Name Townships, Citios & Villages Listed Alphabetically	(K) Taxable Value	(L) Total Allocated / Charter Rate	(M) Est. Local Allocated / Charter Tax Dollars	(N) Total Other Extra Voted / General Law Operating Rate	(O) Est. Local EV / GL Oper. Tax Dollars	(P) Total Debt Rate	(Q) Est. Local Debt Tax Dollars	(R) Total Est. Local Tax Dollars	(KK) Total RenZone Taxable Value
Banger	398,443,534.00	1.2494	497,815.35	1.5000	597,665.30	0.0000	0.00	1,095,480.65	0.00
Beaver	81,312,471.00	1.0154	82,564.68	3.6868	299,782.82	0.0000	0.00	382,347.50	0.00
Frankenlust	130,910,779.00	1.1941	156,320.56	0.9991	130,792.96	0.0000	0.00	287,113.52	0.00
Fraser	93,880,440.00	1.1536	108,300.48	2.0000	187,760.88	0.0000	0.00	296,061.36	0.00
Garfield	44,235,826.00	1.1228	49,687.99	1.4076	62,266.35	0.0000	0.00	111,934.34	0.00
Gibson	28,444,823.00	1.0869	30,916.68	0.4936	14,040.36	0.0000	0.00	44,957.04	0.00
Hampton	356,617,092.00	5.0000	1,783,085.46	1.6500	588,418.20	0.0000	0.00	2,371,503.66	0.00
Kawkawlin	143,032,344.00	1.1197	160,153.32	1.9982	285,807.23	0.0000	0.00	445,960.55	175,972.00
Merritt	61,720,302.00	1.1737	72,441.12	1.4798	91,333.70	0.0000	0.00	163,774.82	0.00
Monitor	373,641,807.00	1.2290	459,205.78	2.6984	1,008,608.69	0.0000	0.00	1,467,814.47	0.00
Mt. Forest	63,216,147.00	1.0944	41,347.59	2.3605	89,182.18	0.0000	0.00	130,529.77	0.00
Pincinnong	89,785,542.00	1.1640	73,583.60	0.0000	0.00	0.0000	0.00	73,583.60	0.00
Portsmouth	63,216,147.00	2.7768	249,159.71	1.4976	134,387.95	0.0000	0.00	383,547.66	0.00
Williams	178,492,273.00	4.4000	785,366.00	0.0000	0.00	0.0000	0.00	785,366.00	0.00
Auburn	50,399,854.00	13.5000	680,398.03	0.0000	0.00	0.0000	0.00	680,398.03	0.00
Bay City	525,242,541.00	16.9615	8,908,901.36	0.0000	0.00	4.4470	2,335,763.58	11,244,654.94	0.00
Essesville	72,547,433.00	12.5000	906,842.91	3.6431	284,297.55	0.0000	0.00	1,171,140.46	0.00
Pincinnong	26,273,601.00	14.6736	385,528.31	0.0000	0.00	0.0000	0.00	385,528.31	0.00
Midland	4,278,102.00	12.7475	54,585.11	2.1366	9,114.92	0.2804	1,114.02	64,764.05	0.00

-5-



2017 Apportionment Report

(A) Authority (Dist. Libraries, DDAs, Transit, Metro, Fire, etc.)	(B) Taxable Value	(C) Total Operating Rate	(D) Est. Authority Operating Tax Dollars	(E) Total Debt Rate	(F) Est. Authority Debt Tax Dollars	(G) Est. Total Authority Tax Dollars	(BB) Total RenZone Taxable Value
DDA - BAY CITY	34,790,470.00	1.9260	67,006.45	0.0000	0.00	67,006.45	0.00
DDA - ESSEXVILLE	8,025,369.00	1.0000	8,025.37	0.0000	0.00	8,025.37	0.00
TRANSIT - BAY COUNTY	2,760,205,965.00	0.7476	2,063,529.98	0.0000	0.00	2,063,529.98	175,972.00

-6-

2017 Apportionment Report



(A) Local K12 School District Name	(B) Total Taxable Value	(C) Total NonHomestead Taxable Value	(D) Total Commercial Personal Taxable Value	(E) HH / Supplemental Rate	(F) Est. HH / Supplemental Tax Dollars	(G) Non Homestead Operating Rate	(H) Est. NH Operating Tax Dollars	(I) Total Debt / Sinking Fund / Blg Site Rate	(J) Est. Debt / Sinking Fund / Blg Site Tax Dollars	(K) Total Recreational Rate	(L) Est. Recreational Tax Dollars	(M) Total Est. Local K12 School Tax Dollars	(BB) Total RentZone Taxable Value	(GG) Non Homestead Comm.Pers. Operating Rate
BANGOR TOWNSHIP SCHOOLS	401,791,237.00	128,196,883.00	14,064,700.00	0.0000	0.00	18.0000	2,992,112.09	2.3500	944,208.41	0.0000	0.00	3,536,321.50	0.00	8.0000
BAY CITY SCHOOL DISTRICT	1,988,197,588.00	509,301,899.00	49,811,250.00	0.0000	0.00	18.0000	9,358,303.30	2.8900	5,047,710.79	0.0000	0.00	14,408,014.09	0.00	8.0000
ESSEXVILLE HAMPTON SCH DIST	324,024,738.00	184,524,824.00	2,804,700.00	0.0000	0.00	17.9641	2,871,878.88	4.4800	1,461,830.83	0.0000	0.00	4,422,707.71	0.00	5.9841
FREELAND COMM SCHOOL DIST	6,580,393.00	808,555.00	88,200.00	0.0000	0.00	18.0000	15,143.19	3.6195	23,817.73	0.0000	0.00	38,980.92	0.00	8.0000
PINCONNING AREA SCHOOLS	285,790,898.00	63,098,494.00	4,987,501.00	0.0000	0.00	18.0000	1,165,981.90	3.0200	883,820.24	0.0000	0.00	2,059,482.14	175,972.00	8.0000
REESE PUBLIC SCHOOLS	20,207,045.00	1,743,189.00	2,500,200.00	0.0000	0.00	17.7372	45,283.44	4.0000	80,828.18	0.0000	0.00	128,081.82	0.00	5.7372
STANDISH STERLING COMM SID	23,613,687.00	5,172,744.00	208,050.00	0.0000	0.00	18.0000	94,363.69	4.2500	100,353.38	0.0000	0.00	194,723.05	0.00	8.0000

- 7 -



2017 Apportionment Report

(A) Community College Name	(B) Taxable Value	(C) Total Operating Rate	(D) Est. Community College Oper. Tax Dollars	(E) Total Debt Rate	(F) Est. Community College Debt Tax Dollars	(G) Est. Total Community College Tax Dollars	(BB) Total RenZone Taxable Value		
DELTA CC	2,760,205,965.00	2.0427	5,638,272.72	0.0000	0.00	5,638,272.72	175,972.00		
(H) Intermediate School District Name	(I) Taxable Value	(J) ISD Allocated Rate	(K) Est. ISD Allocated Tax Dollars	ISD Total EV Operating Rate	Est. ISD EV Operating (Spec Ed/Voc/Enrh) Tax Dollars	(N) ISD Total Debt Rate	(O) Est. ISD Debt Tax Dollars	(P) Est. Total ISD Tax Dollars	(II) Total RenZone Taxable Value
BAY-ARENAC	2,733,418,527.00	0.1891	516,889.44	4.7342	12,940,549.99	0.0000	0.00	13,457,439.43	175,972.00
SAGINAW	6,580,393.00	0.1455	957.45	1.9417	12,777.15	0.0000	0.00	13,734.60	0.00
TUSCOLA	20,207,045.00	0.1411	2,851.21	4.0998	82,844.84	0.0000	0.00	85,696.05	0.00

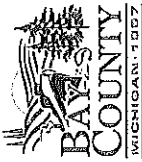
181



2017 Apportionment Report

Township / City	Village	School Code	Local School District	Total Homestead		Total		Total	
				Property Tax Rate	Property Tax Rate	NonHomestead Property Tax Rate	Property Tax Rate	NonHomestead Property Tax Rate	Property Tax Rate
Bangor		09030	BANGOR TOWNSHIP SCHOOLS	28.5292	46.5292	28.5292	46.5292	28.5292	46.5292
Beaver		09010	BAY CITY SCHOOL DISTRICT	31.1220	49.1220	31.1220	49.1220	31.1220	49.1220
Beaver		09090	PINCONNING AREA SCHOOLS	31.1520	49.1520	31.1520	49.1520	31.1520	49.1520
Frankenlust		09010	BAY CITY SCHOOL DISTRICT	28.6130	46.6130	28.6130	46.6130	28.6130	46.6130
Frankenlust		73200	FREELAND COMM SCHOOL DIST	26.4064	44.4064	26.4064	44.4064	26.4064	44.4064
Fraser		09090	PINCONNING AREA SCHOOLS	29.6034	47.6034	29.6034	47.6034	29.6034	47.6034
Garfield		09090	PINCONNING AREA SCHOOLS	28.9802	46.9802	28.9802	46.9802	28.9802	46.9802
Gibson		06050	STANDISH STERLING COMM SID	29.2603	47.2603	29.2603	47.2603	29.2603	47.2603
Gibson		09090	PINCONNING AREA SCHOOLS	28.0303	46.0303	28.0303	46.0303	28.0303	46.0303
Hampton		09010	BAY CITY SCHOOL DISTRICT	33.0698	51.0698	33.0698	51.0698	33.0698	51.0698
Hampton		09050	ESSEXVILLE HAMPTON SCH DIST	34.5598	52.5239	34.5598	52.5239	34.5598	52.5239
Kawkawlin		09010	BAY CITY SCHOOL DISTRICT	29.5377	47.5377	29.5377	47.5377	29.5377	47.5377
Kawkawlin		09090	PINCONNING AREA SCHOOLS	29.5677	47.5677	29.5677	47.5677	29.5677	47.5677
Merritt		09010	BAY CITY SCHOOL DISTRICT	29.0733	47.0733	29.0733	47.0733	29.0733	47.0733
Merritt		79110	REESE PUBLIC SCHOOLS	29.4009	47.1381	29.4009	47.1381	29.4009	47.1381
Monitor		09010	BAY CITY SCHOOL DISTRICT	30.3482	48.3482	30.3482	48.3482	30.3482	48.3482
Mt. Forest		09090	PINCONNING AREA SCHOOLS	29.9047	47.9047	29.9047	47.9047	29.9047	47.9047
Pinconning		06050	STANDISH STERLING COMM SID	28.8438	46.8438	28.8438	46.8438	28.8438	46.8438
Pinconning		09090	PINCONNING AREA SCHOOLS	27.6138	45.6138	27.6138	45.6138	27.6138	45.6138
Portsmouth		09010	BAY CITY SCHOOL DISTRICT	30.6940	48.6940	30.6940	48.6940	30.6940	48.6940
Williams		09010	BAY CITY SCHOOL DISTRICT	30.8198	48.8198	30.8198	48.8198	30.8198	48.8198
Auburn		09010	BAY CITY SCHOOL DISTRICT	39.9198	57.9198	39.9198	57.9198	39.9198	57.9198
Bay City		09010	BAY CITY SCHOOL DISTRICT	47.8283	65.8283	47.8283	65.8283	47.8283	65.8283
Bay City		09030	BANGOR TOWNSHIP SCHOOLS	47.1883	65.1883	47.1883	65.1883	47.1883	65.1883
Essexville		09050	ESSEXVILLE HAMPTON SCH DIST	44.0529	62.0170	44.0529	62.0170	44.0529	62.0170
Midland		09010	BAY CITY SCHOOL DISTRICT	41.5583	59.5583	41.5583	59.5583	41.5583	59.5583
Pinconning		09090	PINCONNING AREA SCHOOLS	41.1234	59.1234	41.1234	59.1234	41.1234	59.1234

-9-



2017 Apportionment Report

Local Municipality (Twp/City/Vlg)	ALL Purpose(s) of Qualifying Special Assessment Millage Rates for the Local Municipality Listed	Total of All Special Assessment Rates Levied UNITWIDE
Gibson	Fire - 119	1.0000

-10-



2017 Apportionment Report

Certification Statement

I hereby certify that this Statement Showing Mills Apportioned by the County Board of Commissioners and submitted to the State Tax Commission is a true statement of all ad valorem millages apportioned by the County Board of Commissioners of the

County of Bay for the year 2017

Signature of County Equalization Director

NOTARIZATION

Notary Public

County, Michigan

STATE OF MICHIGAN

County of _____ } ss

Subscribed before me this _____ Day of _____
_____ year _____

My commission expires _____, _____

— // —

BAY COUNTY BOARD OF COMMISSIONERS

NOVEMBER 14, 2017

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (10/17/17)

WHEREAS, The parking lot at Center Ridge Arms has been deteriorating to a state that it is now considered a detriment to the safety of employees and residents; and

WHEREAS, After consultation with the Director of Center Ridge Arms and the Supervisor of Buildings and Grounds, it has been determined that the parking lot needs to be replaced immediately to prevent further deterioration; and

WHEREAS, In speaking with the Finance Officer, it is determined that this replacement will fall under the Emergency Purchase section of the Purchasing Policy; and

WHEREAS, In preparation of a budget number we reached out to three companies seeking an estimate of the scope of the job as well as the cost and time frame needed to complete the task; AND

WHEREAS, One of the companies stated the job was too late in the season to fit into the schedule, another stated cost as a deterrent. Yeager Asphalt has submitted the proposal we wish to pursue be able to complete the project by November 15, 2017 for a completed price of \$97,670; and

WHEREAS, Money for this project has been budgeted within the 2017 Center Ridge Arms budget so no transfer from the County general fund will be required; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners waives the bid provision of the Bay County Purchasing Policy and allows this project to be completed under the Emergency Procurement guidelines of the Bay County Purchasing Policy; Be It Further

RESOLVED That the Chairman of the Board is authorized to sign any and all related documents to complete this project for Center Ridge Arms following Corporation Counsel review/approval.

TOM RYDER, CHAIR
AND COMMITTEE

Center Ridge Arms - Parking Lot Paving/Waiver of Purchasing Policy

MOVED BY COMM. LUTZ

SUPPORTED BY COMM. RYDER

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	X			KIM J. COONAN	X			MICHAEL E. LUTZ	X		
ERNIE KRYGIER			X	THOMAS M. HEREK	X						
VAUGHN J. BEGICK			X	TOM RYDER	X						

VOTE TOTALS:

ROLL CALL: YEAS 5 NAYS 0 EXCUSED 2
VOICE: X YEAS 5 NAYS 0 EXCUSED 2

DISPOSITION: ADOPTED X DEFEATED WITHDRAWN
AMENDED CORRECTED REFERRED

-12-

BAY COUNTY BOARD OF COMMISSIONERS

OCTOBER 17, 2017

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (10/17/17)

WHEREAS, An Agreement has been submitted which allows access to digital information for the Bay County Drain Office along with the Spicer Group for the Hoppier Creek Drain Project which began August 30, 2017 and will be completed by August 31, 2018; and

WHEREAS, The parties to this Agreement include Bay County (Board of Commissioners) the Director of Environmental Affairs and Community Development, the Drain Office representative and the Spicer Group; and

WHEREAS, No county funding is required; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners approves the Agreement for Access to Digital Information for Bay County Drain Office along with Spicer Group and authorizes the Chairman of the Board to execute said Agreement on behalf of Bay County following Corporation Counsel review/approval.

TOM RYDER, CHAIR
AND COMMITTEE

Drain - Agt with Spicer Group - Hoppier Creek Drain Project

MOVED BY COMM. RYDER

SUPPORTED BY COMM. LUTZ

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	X			KIM J. COONAN	X			MICHAEL E. LUTZ	X		
ERNIE KRYGIER			X	THOMAS M. HEREK	X						
VAUGHN J. BEGICK			X	TOM RYDER	X						

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
VOICE: X YEAS 5 NAYS 0 EXCUSED 2

DISPOSITION: ADOPTED X DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

OCTOBER 17, 2017

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (10/17/17)

WHEREAS, The Michigan Indigent Defense Counsel (MIDC) is requiring each county to prepare a Compliance Plan which conforms to the standards that the Counsel has adopted; and

WHEREAS, While the standards have been adopted, there will be no requirement for counties to comply with those requirements unless funding is provided by the State of Michigan; and

WHEREAS, After meeting with stakeholders, a plan has been prepared and the plan must be submitted to the State by November 20, 2017; and

WHEREAS, If no Compliance Plan is submitted the State will prepare a plan, without county input, and then charge the county to implement; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners adopts Bay County's Compliance Plan with the clear understanding that unless funding is provided by the State of Michigan, Bay County's Compliance Plan will not be implemented; Be It Further

RESOLVED That the Chairman of the Board is authorized to execute any documents required, related to submittal of the Compliance Plan, on behalf of Bay County following Corporation Counsel review/approval.

TOM RYDER, CHAIR
AND COMMITTEE

Criminal Defense - MIDC Compliance Plan

MOVED BY COMM. RYDER

SUPPORTED BY COMM. LUTZ

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	X			KIM J. COONAN	X			MICHAEL E. LUTZ	X		
ERNIE KRYGIER			X	THOMAS M. HEREK	X						
VAUGHN J. BEGICK			X	TOM RYDER	X						

VOTE TOTALS:

ROLL CALL: YEAS 5 NAYS 0 EXCUSED 2

VOICE: X YEAS 5 NAYS 0 EXCUSED 2

DISPOSITION: ADOPTED X DEFEATED WITHDRAWN
AMENDED CORRECTED REFERRED



MICHIGAN INDIGENT DEFENSE COMMISSION

Compliance Plan for Indigent Defense Standards 1 – 4

INSTRUCTIONS

Local indigent defense systems have until **November 20, 2017**, to submit to the Michigan Indigent Defense Commission (MIDC) a plan for compliance with the first four approved minimum standards for indigent criminal defense services. This document includes instructions and a compliance plan structure for the submission and information on how to calculate your request for state funding. All application questions must be answered within the requirements, and all attachments and signatures included for a complete application. Failure to submit a complete application will result in the application being disapproved and returned, per MCL 780.993(4). Applications should be submitted through the MIDC's web portal at <http://portal.michiganidc.gov/>.

The application document includes the following sections: Applicant Information, Compliance Plan Narrative, Cost Analysis, Local Share Calculation, Data Collection, and Grant Calculation. The MIDC website, <http://michiganidc.gov>, hosts helpful information for compliance planning including additional guidelines, detailed white papers on each of the four standards and several model plans including sample cost analyses for different local indigent defense delivery systems.

Guidelines for the Cost Analysis and Local Share in the Compliance Plan

All proposed, estimated, or actual expenditures reported in either the Cost Analysis or the Local Share should be reflective of direct indigent defense system activities. For any funding requests for ancillary agencies, the claimed expense must be reasonably and directly related to the indigent defense function, with a clear justification and compelling rationale. The Local Share calculation – which acts as a baseline for continued funding unit contribution to the indigent defense system – may be reported as an estimate if the actual funding level cannot be calculated. If an estimate is provided for the Local Share, the methodology to calculate the estimate must be reported. All Local Share calculations must be certified by the authorizing official on the application. The following instructions provide general guidance for the Cost Analysis and, specifically, the enhanced costs to meet the provisions of the four standards. The costs, expenditures, and rates proposed are presumed reasonable; variations will be considered on a case-by-case basis.

Standard 1 - Indigent defense systems may achieve this standard by having attorneys register for a specific training or by facilitating a local or regional training program. Registration for CLE hours will be allowed at the rate of \$25 per credit hour. Instructors for training programs will be reimbursed at reasonable consultant rates commensurate with the local market. A guideline for illustrative purposes may be up to \$75/hr with allowance for program development and preparation time for the training. Travel expenses for the attorneys to attend training or instructors for training programs will be reimbursed at current State of Michigan travel rates for mileage, meals, and lodging, if needed.

Standard 2 - Attorney time to meet this standard will be reimbursed according to reasonable local attorney rates, whether salaried, contract, or assigned attorneys. To facilitate early communication, practical use of technologies available for digital face-to-face communication may be employed. Supplies and equipment needed for technology-based communications will be considered. If it is necessary to create or alter building space to provide a confidential setting for attorneys and their clients, renovation expenses are allowed up to a maximum of \$25,000 per location. Requests exceeding \$25,000 will be reviewed with higher due diligence and considered with accompanying documentation for justification.

Standard 3 - Expenses for investigators will be considered at hourly rates not to exceed \$75. Expenses for expert witnesses will follow a tiered level of compensation based on education level and type of expert,* not to exceed these amounts:

High School or Equivalent	\$30/hr
Associate's Degree	\$50/hr
Bachelor's Degree	\$70/hr
Master's Degree	\$85/hr
Crime Scene and Related Experts	\$100/hr
CPA/Financial Expert	\$100/hr
Pharmacy/PharmD	\$125/hr
Information Technology Experts	\$150/hr
Ph.D./Licensed Doctor	\$200/hr

**The table of expert hourly rates is adopted from the guidelines published by the North Carolina Indigent Defense Services Commission. Variations will be considered on a case-by-case basis.*

Each indigent defense system will be limited to a capped amount of funds for investigators and experts based on the total new circuit adult criminal filings within the jurisdiction in the most recent calendar

year, as reported and certified with the State Court Administrative Office. Systems within district courts of the 3rd class are considered in Tier I unless special circumstances are presented.

0 - 499 cases/year = Tier I - \$10,000

500 - 999 cases/year = Tier II - \$25,000

1,000 – 9,999 cases/year = Tier III - \$50,000

Over 10,000 cases/year = Tier IV – To be determined bases on further discussion and review of records of the system(s)

Standard 4 - Attorney time to meet this standard should be reimbursed according to reasonable attorney rates, whether salaried, contract, or assigned attorneys. Methods for implementation can include on-call or appointed attorney systems, or other efficient models.

APPLICANT INFORMATION

Applicant Funding Unit(s): [Bay County](#)

Trial Courts Included in this Compliance Plan Submission: [Bay County 74th District Court and Bay County 18th Circuit Court](#)

Fiduciary Funding Unit: [Bay County](#)

Federal ID Number: [38-6004837](#)

Street Address/City/Zip Code: [515 Center Ave., Bay City, MI 48708](#)

AUTHORIZED OFFICIAL (Person Authorized to Enter into Agreements):

Name and Title [Thomas M. Herek, Chairman of the Bay County Board of Commissioners](#)

Street Address/City/Zip [515 Center Ave., Bay City, MI 48708](#)

Telephone [989-895-4120](#)

Email Address tomherek5@gmail.com

Signature

Date

CONTACT INFORMATION

PRIMARY CONTACT

(Person Responsible for Oversight and Reporting of Standards Implementation):

Name and Title [Andrea J. LaBean, Director of the Department of Criminal Defense](#)

Street Address/City/Zip [1230 Washington Ave., Suite 630, Bay City, MI 48708](#)

Telephone [989-895-4270](#)

Email Address labeana@baycounty.net

Signature

Date

FINANCIAL CONTACT

(Person Responsible for Grant Accounting):

Name and Title [Richelle Jimenez, Finance Staff/Grant Accountant](#)

Street Address/City/Zip [515 Center Ave., Bay City, MI 48708](#)

Telephone [989-895-4030](#)

Email Address jimenezr@baycounty.net

Signature

Date

COMPLIANCE PLAN NARRATIVE

Briefly describe the indigent defense delivery system(s) – contract, assigned counsel, or public defender – that the funding unit(s), for which this application is being considered, employed to deliver services before the MIDC Act took effect (July 1, 2013).

Prior to MIDC enactment in July of 2013, indigent defendants were not represented by attorneys at the time of arraignment. At the time of arraignment the Judge or Magistrate would refer most people to the office of assigned counsel for determination of indigence prior to an attorney being assigned. Defendants were assigned attorneys to represent them in felonies, misdemeanor and civil infractions.

The Office of Assigned Counsel would appoint attorneys after collecting information from each defendant requesting an attorney. One person staffs that office and reports directly to the Chief Judge.

If the case involved a misdemeanor or misdemeanor violation of probation, a contract attorney was used. At that time, there were three primary District Court Judges and a Magistrate available to arraign. Two attorneys represented all the misdemeanor clients and clients were assigned the attorney based on what judge they drew. If conflicts arose with the misdemeanor attorney, it was the contracted attorney's job to find alternate representation for that client. If conflicts were apparent or arose, a new attorney was assigned using an "over flow" list. The list is comprised of local attorneys who are willing to accept appointments on a case by case basis.

The Bay County Public Defender Office was assigned all of the felony offenses and all of the felony violation of probation cases. Two attorneys worked in the office and the cases were divided among them. A limit was given of 22 new felony clients a month for each attorney, however, violation of probation and clients with multiple cases did not go into the count. If conflicts of interest arose at the Public Defender Office, the "Overflow" list was utilized in assigning defendants attorneys. The "overflow" list was comprised of local attorneys who accepted appointments on a case by case basis.

Generally, how does the system(s) intend to comply with the MIDC standards 1-4? Please address whether you will continue with the model in place above, whether you have already made a transition to a new delivery system, or whether you intend to transition to a new delivery system.

Since the MIDC was adopted in July of 2013 Bay County has taken many proactive measures to comply with the new standards.

Bay County decided to handle all criminal cases, misdemeanor and felony, in-house and no longer have contract attorneys for the misdemeanor cases. Bay County added a new office in January 2017, The Office of Criminal Defense. The Office of Criminal Defense has two attorneys, one who handles felony matters and one attorney that handles misdemeanor matters. The Public Defender's Office also has two criminal attorneys, one handling felony cases and the other handling misdemeanor cases. If a conflict arises, the case is either transferred to the other office or the "over-flow" list is used.

Currently, no system exists that allows for indigent defendants to be represented at the time of arraignment. However, to comply with this standard, Bay County would hire independent contract attorneys to represent clients at arraignment. Independent contract attorneys would be able to meet with walk-in arraignment defendants in one of the private attorney rooms in the courthouse to discuss the case prior to court. As for in-custody arraignments, an attorney room currently exists at the jail for private conferences; however, an additional deputy would need to be utilized in order to manage inmate transportation.

Prior to the passage of the MIDC standards, the attorneys at the Public Defender's Office were required to attend both CDAM conferences every year, which would comply with the MIDC standard one. However, the misdemeanor and "over-flow" attorneys were not required to attend CLE. Since the creation of the new office, the misdemeanor attorneys have already complied with the CLE standards, however, the "over-flow" attorneys have not. Moving forward, attendance at CLE events and proper training in accordance with standard one must be a requirement for inclusion on the "over-flow" attorney list. Further, a requirement would be made that any attorney representing indigent defendants through the independent contract must attend CDAM conferences in order to meet the CLE requirements.

Currently, The Public Defender's Office and the Office of Criminal Defense have offices located in the courthouse which allow defendants and attorneys to meet in private and professional settings. The arraignment attorney's would be able to utilize the courts already existing attorney conference room facilities to meet privately with walk-in clients prior to arraignment. The arraignment attorneys representing client's in-custody would be able to meet with the clients in jail, either in a private room or through polycom capabilities. Because of the demand of transporting inmates to and from a private room, a deputy would need to be added for an additional 5 hours and 5 days a week to facilitate those conferences.

Please identify the name and position held (e.g., county administrator, judge, defense attorney, etc.) for each person involved in the compliance planning process for this delivery system.

County Executive: James Barcia

Chief Judge of Bay County: Honorable Dawn Klida

Bay County Prosecutor: Nancy Borushko

Purchasing Agent: Frances Moore

Bay County Jail Administrator: Captain Troy Stewart

Director of Bay County Office of Criminal Defense: Andrea J. LaBean

Bay County Corporation Counsel: Amber Davis-Johnson

Director of Public Defenders Office: Bruce Mannikko

Bay County Finance Officer: Jan Histed

Provide an attachment with the names, license or P#'s, and years of criminal defense experience for all attorneys the funding units(s) intends to have deliver services as part of the local indigent defense system.

[See Attachment](#)

Standard 1 – Training and Education

Attorneys with fewer than two years of experience practicing criminal defense in Michigan shall participate in one basic skills acquisition class. Do any of the attorneys included in this plan have fewer than the required experience and require this training? How many?

[The two staff attorneys that are listed have had less than two years of experience practicing criminal defense. However, both staff attorneys have already completed a basic skills acquisition class with CDAM. It is anticipated that the two attorneys that would fulfill arraignment requirements may have two years or less of criminal experience. Total of four attorneys are anticipated with less than two years' of criminal defense of criminal defense experience.](#)

All attorneys shall annually complete at least 12 hours of continuing legal education. How many attorneys require training in this plan?

[The four listed staff attorneys already attend the appropriate amount of training to comply with the CLE requirements. However, the over-flow and arraignment attorneys would need training to comply with the CLE requirements. The seven attorneys on the overflow list and five attorneys for arraignment will require training. Total attorneys needing training would be 16.](#)

How will the funding unit(s) ensure that the attorneys satisfy the 12 hours of continuing legal education during the plan year?

[The funding unit would require that each attorney submit confirmation to the Office of Assigned Counsel and the Bay County Corporate Counsel after completion of any training.](#)

Standard 2 – Initial Interview

When a client is in local custody, counsel shall conduct an initial client intake interview within three business days after appointment. When a client is not in custody, counsel shall promptly deliver an introductory communication so that the client may follow-up and schedule a meeting. To be successful, this requires immediate notification of appointment and client contact information.

How does the plan facilitate immediate attorney assignment and notification of new cases? How will the system ensure attorneys are completing their interviews within three business days? How will the initial interview be accomplished?

Currently, the Office of Assigned Counsel (OAC) is staffed by one person, who determines indigence and assigns cases to individual attorneys. The notification is given through the OAC to the specific offices of each attorney. Presently, indigence is not determined prior to appointment, particularly in the case of in-custody defendants as interviews are not conducted prior to arraignment. To facilitate a faster determination of indigence, assignment of cases, and transfer of information from arraignment attorney to assigned attorney, a new staff person is required at the OAC.

The initial interview for arraignment attorneys can be held in one of the Attorney-Conference rooms that are located throughout the courthouse. If the client is in custody, the initial interview can be held at the jail either in person or through polycom. The jail currently has three private rooms which may be used by attorneys for client meetings; however, the rooms are not always available. One of the rooms can be equipped with a polycom device and the arraignment attorney can interview them remotely using an I-Pad equipped with the polycom software.

As for assigned attorneys, initial interviews can be held in person at the private office of each attorney. For in-custody clients, the attorney client rooms can be used at the jail for in person or polycom interviews.

The use of polycom conferences with clients in custody will allow the attorney to make an initial contact if an in-person contact cannot be accomplished in the three-day time period.

This standard further requires a confidential setting be provided for all client interviews.

Does the jail have confidential space for attorney-client interviews? Describe the space available for the interviews or the plan to provide confidential space.

The Bay County Jail does have confidential space for attorney-client interviews. The jail has three rooms, which have chairs and table for the attorney and client to meet. The rooms have doors and there is no ability to hear the conversation outside of the meeting space.

If one of the rooms was equipped with a polycom specifically for attorney use, the setting would allow for private conversations with the attorney and client when a face-to-face meeting is not available.

Currently there are not enough correction officers available to facilitate transporting inmates from their cells to the conference room for interviews. This is taking into account the extra demands that will be placed on jail staff for pre-arraignment interviews of in-custody clients. To comply with MIDC standards, a corrections officer would be added for approximately five hours Monday through Friday.

Does the courthouse have confidential space for attorney-client interviews? Describe the space available for the interviews or the plan to provide confidential space.

The courthouse does have confidential space for attorney-client interviews. In the courthouse lobby, there are approximately six rooms that have a door, chairs and a table that allow for private conversations with clients.

When clients are brought over from the jail, the lock-up area has one room that is also private with a door, seats and a desk for the attorney-client to meet privately.

Standard 3 – Experts and Investigators

This standard requires counsel to conduct an independent investigation. When appropriate, counsel shall request funds to retain an investigator to assist with the client's defense. Counsel shall request the assistance of experts where it is reasonably necessary to prepare the defense and rebut the prosecution's case. Counsel has a continuing duty to evaluate a case for appropriate defense investigations or expert assistance.

How will this standard be complied with by the delivery system?

Assigned Counsel will no longer request experts and investigative assistance in court. Instead, the director of each office will determine if an expert or investigator is needed. In the case of overflow attorneys, they will need to determine on a case-by-case basis their own needs for investigators or experts. It is anticipated that the investigative services will need to be retained, on a case-by case basis, for an estimated amount of \$50.00 per hour for approximately 200 hours. Expert witnesses will need to be retained not exceed the hourly rates published by the MIDC, for a maximum of \$25,000.00 in the compliance year.

The Circuit Court Administrators Office reported a total of 573 felony filing in 2016. That number would put our county at a Tier II level with the recommendation of \$25,000.00. That number seems appropriate at this time.

It will be necessary for the Office of Assigned Counsel to keep track of what experts or investigators are being used, how much it is costing, and report to each office and overflow attorney a regular summation of how much money is still available for use.

Standard 4 – Counsel At First Appearance and Other Critical Stages of the Case

Counsel shall be appointed to provide assistance to the defendant as soon as the defendant's liberty is subject to restriction by a magistrate or judge. All persons determined to be eligible for indigent criminal defense services shall also have appointed counsel at pre-trial proceedings, during plea negotiations and at other critical stages, whether in court or out of court.

How will this standard be complied with by the delivery system?

For the criminal arraignments, clients will be questioned by the Office of Assigned Counsel to determine indigence.

A contract system would be used to provide clients with attorneys at the time of arraignment. Our current system has two public defender's offices and including them in the arraignment process would cause numerous conflict issues. Independent contractors would have selected days that they are required to appear for all indigent clients, both in and out of custody. If conflicts arise, an attorney from the over-flow list would appear on behalf of the client. It is expected that our system would have several contract attorneys so that conflicts, vacations, or sickness, would not prevent a client from receiving representation. This will require the Office of Assigned Counsel to contact other attorneys to represent clients that have conflicts with the arraignment attorneys. This will cause the Office of Assigned Counsel to incur additional duties that they are not currently required to do.

For felony violation of probation arraignments, it is expected that an attorney from the over-flow list would be used to represent clients if a public defender is not already assigned and able to represent the client.

COST ANALYSIS

The MIDC Act requires funding unit(s) to provide a cost analysis as part of a request for state funding. The cost analysis should include all total indigent criminal defense services costs for compliance with minimum standards and the amount of funds in excess of the local share necessary to comply with the standards.

Refer to the instructions guide for grant allowances.

Personnel

Include staff, if any, whose work is or will be reasonably and directly related to the indigent defense function.

Name	Position	Computation	Total
Lisa Borch	OAC Administrator	(yearly salary of 46,934 with \$22,601 total fringe)	\$69,535
Unknown	OAC Administrator	NEW HIRE PART-TIME (20,278.00 yearly salary with fringe benefits of 17,989)	\$ 38,267.34
Unknown	Deputy	NEW HIRE PART-TIME (26.55/hour Total compensation including benefits, 5 hours a day, five days a week, 52 weeks)	\$34,515.00
Valerie Lieber	Secretary	(37,253 yearly salary with fringe benefits total 20,927)	\$58,180
Lori Korthals	Secretary	(37,253 yearly salary with fringe benefits total 20,927)	\$58,180
Dawn Kotcher	Secretary	PART-TIME (\$18, 627 yearly salary with fringe benefits of \$17,704.00)	\$36,331
Total			\$295,008.34

Describe the duties of the positions listed (whether full-time or part-time) the number of hours worked, and rate of pay. Identify whether the positions will be a new cost as a result of the compliance plan.

Lisa Borch is our current employee at the Office of Assigned Counsel. She assigns cases to either department depending on the number of cases each office has and any known conflicts. Mrs. Borch is also in charge of interviewing all the clients to determine if they are eligible for a court appointed attorney. The total amount of pay is reflective of her current pay scale at full time.

A new OAC administrator is needed to interview clients that are in custody. Currently, in-custody clients are not interviewed to determine indigence. Conflicts of interest need to be determined using computer software to prevent the necessity of attorney reassignment that could have been determined at the time of initial assignment. Additionally, the arraignment attorneys will be expected to gather ICHAT information, police reports, and any other records so that the OAC may then forward that information to the new assigned attorney, substantially increasing the workload and volume of paperwork done by this office. The rate of pay for this essential position is reflective of the current OAC administrator's compensation at half time. Bay County will be unable to meet the MIDC standard for representation at the time of arraignment without the addition of a new OAC staff member. As court provided representation at the time of arraignment was not previously required, the OAC administrator will have to arrange alternative arrangements for those clients who have conflicts with the arraigning attorney due to prior representation or co-defendant cases. The OAC will have to utilize the "over-flow" list and contact attorneys to determine if they are available. The OAC will then have to coordinate between the court and the "over-flow" attorney to arrange an appropriate arraignment time. The OAC will also be responsible for finding multiple non-conflicted attorneys when multiple defendant arraignments take place.

An additional deputy is necessary as the arraignment attorneys are going to be required to interview in-custody clients prior to the arraignment hearings. Currently, the Bay County Jail is not staffed at the necessary level to transport inmates to private rooms to discuss the cases with clients prior to arraignment. Often, an attorney has to wait until a deputy is available, which may delay court proceedings. The thorough interview of each client is crucial and needs to be done in an efficient manner. The additional deputy would be responsible for transporting clients to private rooms to discuss matters with their arraignment and assigned attorney, along with transporting them to and from the polycom room for interviews with attorneys or investigators. The total cost was calculated using information provided by the Sheriff's department for a deputy working a four hour and five day weekly shift.

The secretary's pay was determined based upon the union's pay scale.

Describe the fringe benefits listed here with the positions above.

The Public Defender's Office, Office of Assigned Counsel, and Office of Criminal Defense all receive full benefits from the county. That amount is reflected in the pay.

Contractual

For assigned counsel, you may group all attorney contracts in one line item. You may list the computation as “various” to indicate various rates of pay and provide detail below for the pay structure. List contractors for training programs. Also, list contractors who will be providing construction services for confidential space, if needed. Confidential space costs should be discussed in detail below but costs cannot exceed \$25,000 per location. Requests exceeding \$25,000 will be reviewed with higher due diligence and considered with accompanying documentation for justification. List contracts for investigators and experts here.

CONTRACTOR	COMPUTATION	SERVICES TO BE PROVIDED	TOTAL
Contract Firms	Bid Proposal	Arraignment rep.	\$156,000.00
Public Defender Off.	(103,342 and 113,832 salaries including fringe)	Felony/Misd. Rep	\$217,174
Off. Criminal Defense	(103,342 and 113,832 salaries including fringe)	Felony/Misd. Rep.	\$217,174
Overflow Attorneys	Various (\$20,448.75 misdemeanor Atty. And \$64,789.25 felony atty.)	Felony/Misd. Rep	\$85,238.00
Investigators	\$50/Hour for apprx. 200 hours	As Needed	\$10,000.00
Experts	Various – amounts determined by MIDC guidelines	As Needed	\$15,000.00
TOTAL			\$ 700,586.00

Provide detail for the types of contractors listed above, rates and hours, and services to be provided. Identify if the contractor will be a new cost or includes cost enhancements for implementation of the compliance plan.

The total amount for contractors representing clients at arraignments was determined by requesting that lawyers and firms submit contract bids to the county.

The Public Defender Offices and Office of Assigned Counsel totals were calculated using the top rate of pay for each attorney in the respective office. Each Public Defender Office has a director and attorney, both who are on different pay scales.

The “over-flow” Attorney amounts was determined by using what was paid to overflow attorneys in 2016. This expense includes felony and misdemeanor cases and represents the amount of money the county paid to the overflow attorneys. Rates of pay for representation depended on whether the case was a felony, misdemeanor or traffic matter.

Travel and Training

Include registrations for continuing legal education hours and training. Travel expenses should adhere to local funding unit travel policies, not to exceed State of Michigan standardized travel rates.

TYPES OF TRAVEL/TRAINING	COMPUTATION	TOTAL
CDAM - Trial College	4 Attorneys – NEW (including mileage, meals, registration, and lodging 633.95/person)	\$2,535.80
CDAM Conferences	4 Attorneys – current staff (each atty. Attending 2 conferences at 682.95 a conference per attorney)	\$5,463.60
CDAM Conferences	Up to 12 Attorneys – NEW (682.95 per conference)	\$8,195.40 (One Conference)
NAPD Membership	Up to 16 Attorneys – NEW (\$25.00 per membership)	\$400.00
SADO Membership	Up to 10 Attorneys – NEW (Membership free for staff attorneys, \$50 for others)	\$500.00
TOTAL		\$17,094.8

Provide detail for the types of travel and training expenses with applicable rates. Identify whether the expense is new as a result of the compliance plan.

The Trial College would be a new expense for the county, as it is anticipated that approximately four attorneys would have less than two-years of experience. The amount in the trial college total is assuming that the attorneys will be awarded a scholarship to attend, which are historically awarded by CDAM to attorneys who practice indigent defense.

Currently, attorneys employed at the Office of Criminal Defense and the Public Defender’s Office attend two CDAM conferences a year. This practice will continue under the compliance plan.

The total for training and travel expenses has been determined by the past cost of seminars, hotel lodgings, meal cost, and mileage expenses. To estimate future training costs, expenses for the most recent conference has been provided:

Mileage: \$157.29

Registration Fees: \$149.00 / Trial College \$100.00 (with scholarship)

Meals during conferences: \$138.00

Lodging: \$238.66

SADO Membership: Free for the four Public Defender/Criminal Defense Office Attorneys. \$50.00 for the remaining 10 contract attorneys.

NAPD Membership: \$25.00 per attorney

Supplies and Other

Include all other expenses not provided elsewhere in the cost analysis.

ITEM	COMPUTATION	TOTAL
Polycom – Jail	1	\$1,600.00
IPADS	5 x 574.99	\$2874.95
IPAD Stand	5 x 149.99	\$749.95
Web Cam	3 x 129.99	\$389.97
Laptop	\$1049.99	\$1,049.99
Office Supplies	\$1000.00	\$1,000.00
Conflict Software	\$2/7530 cases	\$7,530.00
Defenders Office Budget	(Both Offices Additional Budget of 9510.00 x 2)	\$1,9020.00
TOTAL		\$34,214.86

Provide details for supplies and other expenses. Identify whether the expense is new as a result of the compliance plan.

A polycom is necessary for the jail so interviews can be done with inmates.

Tablet devices, such as iPads, are necessary for arraignment attorneys. The attorneys will utilize the device for viewing digital files and reports, which then can be forwarded to the assigned attorney's office after the arraignment hearing. The estimate is for five arraignment attorneys to need tablets. The estimated cost for the iPad tablet was taken from Best Buys price.

A tablet stand is necessary for providing a stable platform for communicating via polycom. The cost of the stand was determined by reviewing product prices posted Best Buy.

A Web cam is necessary for the current OAC administrator for interviewing in-custody clients. Currently, the Public Defender's Office does not have the equipment required for video conferencing and a web cam would necessary to facilitate polycom conferences. Best Buy product prices were reviewed to determine the cost of the Web Cams.

A Laptop would need to be purchased for the new OAC administrator. The cost for a laptop was determined by looking at Best Buy.

A general office supply budget for the additional OAC person is estimated at \$1,000.00. This is necessary for the additional administrative needs, including but not limited to: files, paper and other items required for the new Administrator.

Conflict software would need to be purchased so each OAC administrator can check for conflicts between the offices and the "over-flow" attorneys before assigning new cases. Currently the OAC does not check for conflicts and this responsibility is placed upon the appointed attorneys.

Both offices require an operating budget, this would exclude wages, salaries, fringe benefits, membership dues, and all expenses related to conferences, as they have been included in other parts of this plan. The office budget of \$9,510.00 was determined based upon the 2018 Budget Projection supplied by the Bay County's finance department. The \$9,510.00 includes, but is not limited to, telephone, internet, software, copy machine, paper, witness fees, books, research materials and postage. Each office has a similar budget and this reflects the most recent allocation needed to run the current offices.

Total Cost Analysis (sum of all expenditure sections)

\$	947,395.16
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The MIDC Act, MCL 780.993(2), allows for an indigent defense system to request reimbursement as part of the total grant for the cost of developing the compliance plan. If submitting a claim for this expense, provide an explanation and calculation with details of all plan development costs. Attach a separate document with the compliance plan submission if needed.

GRANT CALCULATION

TOTAL COST ANALYSIS	\$1,046,904.00
COMPLIANCE PLANNING COSTS	+ \$
LOCAL SHARE	- \$622,725.69
COMPLIANCE PLAN GRANT REQUEST	\$424,178.31

The Local Share is defined as an indigent criminal defense system's average annual direct expenditures for adult criminal defense services for three fiscal years preceding the creation of the MIDC Act (effective July 1, 2013). Collections or reimbursements made to the system for partially indigent defendants are applied to the calculation.

Expenditures to be included in the calculation:

- Payments to criminal defense attorneys (contracts, public defenders, appointed systems, hybrid systems) for providing indigent adult criminal defense services including services for expedited docket programs, criminal contempt, juveniles waived into adult court, appeals from district to circuit court or eligible interlocutory appeals to the Court of Appeals
- Payments to experts and investigators
- Other expenses including attorney supplies, travel, or training

Services not included as expenditures:

- Post-sentencing appeals
- Probate, Juvenile Delinquency, Abuse and Neglect cases
- Civil Contempt
- Counsel at lineup (before charges are filed)

Reimbursements:

- Fees paid by or on behalf of a defendant for indigent criminal defense services including payments by the Michigan Department of Corrections and grant payments that include indigent defense services as eligible grant expenditures (i.e. expedited docket programs)

If the actual expenses and reimbursements cannot be calculated as exact, identify that you are providing estimates and discuss the methodology for determining the estimated local share.

Certification: I certify to the best of my knowledge and belief that the calculation of the local share is correct and complete and that all fiscal details included are direct indigent defense system expenditures and reimbursements in the given fiscal years.

Authorizing Official Name _____
(Printed) (Signature)

Title _____ Date _____

Data Collection

In the future, the MIDC expects to collect data on the following topics related to the first four standards. Data points include "system-wide data" (pertaining to each indigent defense system), "attorney-level data" (pertaining to each attorney) and "case-level data" (pertaining to each individual court case). This list is not exhaustive but offers guidance on the types of data that will be critical to demonstrating standards compliance.

System-Wide Data Points

- Local requirements for training
- Existence of local training options
- Structure of any local administrative bodies responsible for identifying training needs and implementing training
- Mechanism(s) and timeline for notifying attorneys of new appointments
- Existence of confidential space for attorney-client interviews in holding facilities and courthouses
- Mechanism(s) by which attorneys request investigators or expert witnesses
- Delivery models for provision of counsel at first appearance

Attorney-Level Data Points

- P numbers and contact information
- Total number of annual completed CLE credits
- Location, date and content of all completed training courses

Case-Level Data Points

- Defendant request for appointed counsel
- Court appointment of counsel and date
- Date of attorney notification of appointment
- Date of initial client interview
- Request for investigator, date granted or denied
- Request for expert witness, date granted or denied
- Presence of counsel at first appearance
- Mechanism by which counsel at first appearance was provided
- Type and amount of bail issued, if any

The MIDC Act, MCL 780.993 (9), requires the state to appropriate funds for the reasonable costs associated with data required to be collected by the MIDC in excess of the local government's data costs for other purposes. Costs associated with data collection are not required to be submitted with this compliance plan submission but will be addressed at a future date and are remarked here for informational purposes.

MIDC Compliance Plan Attachment:

Provide an attachment with the names, license or P#'s, and years of criminal defense experience for all attorneys the funding units(s) intends to have deliver services as part of the local indigent defense system.

Name	P#	Years Defense	Services
Andrea J. LaBean	P71304	10 years	F/M Representation
Kiel A. Chamberlain	P79982	1 Year	F/M Representation
Bruce Mannikko	P47238	24 years	F/M Representation
Aaron Hetherington	P78440	2 years	F/M Representation
Paul Beggs	P42914	UNKNOWN	Overflow F/M
Jeff Day	P55472	UNKNOWN	Overflow F/M
Robert Dunn	P33726	UNKNOWN	Overflow F/M
Jeff Martin	P49184	UNKNOWN	Overflow F/M
James Perry	P57407	UNKNOWN	Overflow F/M
Aaron Rodenbo	P74205	UNKNOWN	Overflow F/M
Sally Warren	P42377	UNKNOWN	Overflow F/M

Need Approximately 5 attorneys for arraignments, estimating at least two new attorneys in need of Trial College and additional training

Attorney Total of: 16

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 17, 2017

MOTION SPONSORED BY: COMM. LUTZ

MOTION SUPPORTED BY: COMM. RYDER

MOTION NO.: 83

MOTION TO EXCUSE COMMISSIONER KRYGIER AND
COMMISSIONER BEGICK FROM THE SPECIAL MEETING OF
THE BAY COUNTY BOARD OF COMMISSIONERS ON TUESDAY,
OCTOBER 17, 2017.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier			X	Thomas Herek	X						
Vaughn J. Begick			X	Tom Ryder	X						

VOTE TOTALS:

ROLL CALL: YEAS NAYS EXCUSED

VOICE: **XX** YEAS 5 NAYS 0 EXCUSED 2

DISPOSITION: ADOPTED XX DEFEATED WITHDRAWN

AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 17, 2017

MOTION SPONSORED BY: COMM. DURANCZYK

MOTION SUPPORTED BY: COMM. COONAN

MOTION NO.: 84

TO GO INTO CLOSED SESSION PURSUANT TO MCL 15.268 (e): TO CONSULT WITH ITS ATTORNEY REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH SPECIFIC PENDING LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE A DETRIMENTAL FINANCIAL EFFECT ON THE LITIGATING OR SETTLEMENT POSITION OF THE PUBLIC BODY. TO DISCUSS THE ISSUES OF PENDING LITIGATION IN REGARD TO JEFFREY VANNESS 0356-15-06202.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier			X	Thomas Herek	X						
Vaughn J. Begick			X	Donald J. Ryder	X						

VOTE TOTALS:

ROLL CALL: **XX** YEAS 5 NAYS 0 EXCUSED 2

VOICE: YEAS NAYS EXCUSED

DISPOSITION: ADOPTED XX DEFEATED WITHDRAWN
 AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 17, 2017

MOTION SPONSORED BY: COMM. COONAN

MOTION SUPPORTED BY: COMM. DURANCZYK

MOTION NO.: 85

TO GO BACK TO REGULAR SESSION FOLLOWING CLOSED
SESSION DISCUSSIONS TO DISCUSS THE ISSUES OF PENDING
LITIGATION IN REGARD TO JEFFREY VANNESS 0356-15-06202.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier			X	Thomas Herek	X						
Vaughn J. Begick			X	Tom Ryder	X						

VOTE TOTALS:

ROLL CALL: YEAS NAYS EXCUSED

VOICE: XX YEAS 5 NAYS 0 EXCUSED 2

DISPOSITION: ADOPTED XX DEFEATED WITHDRAWN

 AMENDED CORRECTED REFERRED

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 17, 2017

MOTION SPONSORED BY: COMM. LUTZ

MOTION SUPPORTED BY: COMM. RYDER

MOTION NO.: 86

TO APPROVE AND ACCEPT THE RECOMMENDATION OF LEGAL
COUNSEL JEFF REEM FOR SETTLEMENT ON THE LITIGATION
IN REGARD TO JEFFREY VANNESS 0356-15-06202.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier			X	Thomas Herek	X						
Vaughn J. Begick			X	Tom Ryder	X						

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: XX YEAS 5 NAYS 0 EXCUSED 2

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 17, 2017

MOTION SPONSORED BY: COMM. DURANCZYK

MOTION SUPPORTED BY: COMM. RYDER

MOTION NO.: 87

MOVED TO ADJOURN THE SPECIAL BOARD SESSION OF
OCTOBER 17, 2017. THE MEETING CONCLUDED AT 4:58 P.M.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael Duranczyk	X			Kim Coonan	X			Michael Lutz	X		
Ernie Krygier			X	Thomas Herek	X						
Vaughn J. Begick			X	Tom Ryder	X						

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: XX YEAS 5 NAYS 0 EXCUSED 2

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____