

**PERSONNEL/HUMAN SERVICES COMMITTEE**

**A G E N D A**

**TUESDAY, MARCH 20, 2018**

**4:00 P.M.**

COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING

PAGE NO.	
	I CALL TO ORDER
	II ROLL CALL
1- 3	III MINUTES (2/20/18)
	IV PUBLIC INPUT
	V PETITIONS AND COMMUNICATIONS
4-26	A. Director, Department of Criminal Defense - MIDC Plan and Budget (Receive)
	B. Office of Assigned Counsel
27-28	1. December 2017 Report (Receive)
29-35	2. 2017 Year-to-Date Report (Receive)
36-37&40	C. Personnel Director - Vacancies (Seeking authorization to post/fill - proposed resolution attached)
	1. Drain Office - Drain Maintenance Worker (full time, seasonal; \$16.60/hr. entry)
38	2. Sheriff Department - Road Patrol Deputy (full time; \$18.83/hr. entry)
39	3. Mosquito Control - Fleet Mechanic (full time; \$15.09/hr. entry; \$16.60/hr. entry for State of Michigan master mechanic)
41-42	D. Supervisor of Buildings and Grounds - Softball Contract (Seeking approval of updated Agreement with the City of Bay City and Bay Softball Association; authorization for Board Chair to sign - proposed resolution attached)
	E. Director of Department on Aging
43-44	1. Service Coordination Agreement with Golden Horizons (Seeking approval of Agreement; authorization for Board Chair to sign - proposed resolution attached)
45-48	2. Acceptance of Grant and Donations (Seeking authorization to accept grant and donated funds; approval of required budget adjustments - proposed resolution attached)
	VI REFERRALS
	VII UNFINISHED BUSINESS
	VIII NEW BUSINESS
	IX MISCELLANEOUS
	X ANNOUNCEMENTS
	XI ADJOURNMENT

**PLEASE NOTE:** THE COMMITTEE CHAIR HAS REQUESTED THAT ANY ELECTED OFFICIAL/ DEPARTMENT/DIVISION HEAD PLACING AN ITEM ON THIS AGENDA BE PRESENT OR HAVE A REPRESENTATIVE PRESENT TO SPEAK TO THEIR REQUEST AND/OR ANSWER ANY QUESTIONS POSED BY COMMITTEE MEMBERS.

**PERSONNEL/HUMAN SERVICES COMMITTEE**

**MINUTES**

**MEETING OF THE PERSONNEL/HUMAN SERVICES COMMITTEE ON TUESDAY, FEBRUARY 20, 2018, in the Commission Chambers, Fourth Floor, Bay County Building, 515 Center Avenue, Bay City, MI 48708.**

Call to order @ 4:00 P.M. by Chair Ryder.

Roll call:

**MOTION NO.**

COMMISSIONERS PRESENT		1	2	3	4	5	6	7	8	9	10	11
TOM RYDER, CHAIR	P	Y	Y	Y	Y	Y	Y					
MICHAEL J. DURANCZYK, VICE CHAIR	P	Y	S/Y	Y	S/Y	S/Y	M/Y					
ERNIE KRYGIER	P	S/Y	Y	Y	M/Y	M/Y	S/Y					
VAUGHN J. BEGICK	P	Y	Y	Y	Y	Y	Y					
KIM COONAN	P	Y	Y	S/Y	Y	Y	Y					
MICHAEL E. LUTZ	P	M/Y	M/Y	M/Y	Y	Y	Y					
THOMAS M. HEREK, EX OFFICIO	P	Y	Y	Y	Y	Y	Y					

**MOTION NO.**

COMMISSIONERS PRESENT		12	13	14	15	16	17	18	19	20	21	22
TOM RYDER, CHAIR												
MICHAEL J. DURANCZYK, VICE CHAIR												
ERNIE KRYGIER												
VAUGHN J. BEGICK												
KIM COONAN												
MICHAEL E. LUTZ												
THOMAS M. HEREK, EX OFFICIO												

**MOTION NO.**

COMMISSIONERS PRESENT		23	24	25	26	27	28	29	30	31	32	33
TOM RYDER, CHAIR												
MICHAEL J. DURANCZYK, VICE CHAIR												
ERNIE KRYGIER												
VAUGHN J. BEGICK												
KIM COONAN												
MICHAEL E. LUTZ												
THOMAS M. HEREK, EX OFFICIO												

OTHERS PRESENT: J.BARCIA, C.GIGNAC, C.GOULET, A.DAVIS-JOHNSON, J.HISTED, T.JERRY, T.CUNNINGHAM, B.KRAUSE, A.WALLACE, J.HOPPE (BCTV), R.REDMOND, D.BERGER

M-MOVED; S-SUPPORTED; Y-YEA; N-NAY; ABS-ABSTAIN; E-EXCUSED; A-ABSENT

-/-

**PERSONNEL/HUMAN SERVICES COMMITTEE  
MINUTES  
TUESDAY, FEBRUARY 20, 2018  
PAGE 2**

**MOTION NO.**

---

**NOTE:** In addition to these typed minutes, this Committee meeting was also video taped by BCTV and those tapes are available for review in the Administrative Services Department or can be viewed on Bay County's website [www.baycounty-mi.gov/executive/videos](http://www.baycounty-mi.gov/executive/videos).

- 1**            **MOVED, SUPPORTED AND CARRIED TO APPROVE THE MINUTES OF THE JANUARY 16, 2018 PERSONNEL/HUMAN SERVICES COMMITTEE MEETING AS PRINTED.**

**Public input was called with no one wishing to address the Committee.**

- 2**            **MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF THE SHERIFF'S UPDATED CFO WORKFORCE PROPOSAL TO INCLUDE 32 CFO'S, 2 CORRECTIONAL FACILITY SERGEANT I'S AND 5 CORRECTIONAL FACILITY SERGEANT II'S (SHERIFF'S OFFICE).**

- 3**            **MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF THE REQUESTED NEW POSITIONS AT THE JUVENILE HOME (2 PART TIME YOUTH DEVELOPMENT WORKERS) AND IN THE GYPSY MOTH SUPPRESSION PROGRAM (FULL TIME GYPSY MOTH PROGRAM TECHNICIAN) (PERSONNEL).**

- 4**            **MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL OF THE REORGANIZATION PROPOSAL FOR THE FINANCE DEPARTMENT, I.E. REDUCTION OF ENTRY LEVEL STAFF ACCOUNTANT FROM FULL TIME TO PART TIME STATUS; INCREASE IN CLASSIFICATION OF STAFF ACCOUNT I POSITION TO STAFF ACCOUNTANT II POSITION (70% TO FINANCE DEPT. ; 30% TO RETIREMENT FUND) (PERSONNEL).**

- 5**            **MOVED, SUPPORTED AND CARRIED TO RECOMMEND BOARD APPROVAL TO POST/FILL RECREATION AND BUILDINGS & GROUNDS SEASONAL POSITIONS FOR THE SUMMER OF 2018 FOR THE GOLF COURSE; COMMUNITY CENTER; PINCONNING PARK; RECREATION/PROPERTY MAINTENANCE (PERSONNEL).**

**Commissioner Duranczyk reminded of the upcoming "Ask the County" event on February 22nd from 7:00 p.m. to 9:00 p.m. at the Pinconning Township Hall.**

**PERSONNEL/HUMAN SERVICES COMMITTEE  
MINUTES  
TUESDAY, FEBRUARY 20, 2018  
PAGE 3**

**MOTION NO.**

---

**There being no further business, it was**

**6            MOVED, SUPPORTED AND CARRIED TO ADJOURN (4:05 P.M.).**

**Submitted by:**

*Deanne Berger*

**Deanne Berger  
Board Coordinator**





# Department of Criminal Defense

---

1230 Washington Ave., Ste. 630, Bay City, MI 48708

**ANDREA J. LaBEAN, Director**  
**KIEL A. CHAMBERLAIN, Criminal Defense Attorney**

**TO:** Jim Barcia and Bay County Board of Commissioners  
**FROM:** Dept. of Criminal Defense  
**DATE:** February 14, 2018  
**SUBJECT:** MIDC Plan and Budget

I have recently received many questions about the MIDC plan and the Department of Criminal Defense Budget.

First, I would like to address the MIDC Plan. It was submitted and accepted, however, the budgetary portion needed adjustments. I made the requested adjustments which included further explanation of a part-time employee request, the figures used to determine our local share, and a mathematical error. I have had these corrections reviewed by our regional MIDC manager and she approves of the changes that were made. It is my understanding that the next step for the MIDC is to collect the total amount needed from all the counties and submit a budgetary request from the legislature. We are only required to comply if the State of Michigan provides the funding needed to comply.

Further, I wanted to update everyone on the budget of this Office, as well as the Office of Public Defender and the Indigent Defense Budget. After reviewing the 2017 budget for each department, all of the departments came in under budget. I also review the current budget and it seems to be on pace to stay within the 2018 budget.

I am forwarding a copy of the amended MIDC plan for your review. Please do not hesitate to contact me if I can answer any questions.

Sincerely,

ANDREA J. LaBEAN (P71304)  
Defense Attorney

-4-



## 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.

- 5 -



**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 3<sup>rd</sup> 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 74<sup>th</sup> District Court](#) and [Bay County 18<sup>th</sup> 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](mailto: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](mailto: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](mailto: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 unit(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?

-13-



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.

-15-



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

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 as it is anticipated and expected that attorneys representing clients at the time of arraignment will result in more attorney assignments. Further, with an increase in the number of clients, the chances increase as to conflicts of interests among the two current offices. 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.

With a likely increase in conflicts it will require the OAC person to contact and assign overflow attorneys. The new OAC person would be tasked with arranging overflow counsel to be assigned to the conflicted clients.

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.

To comply with the MIDC, the new OAC person would need to be employed by the County.

An additional part-time OAC person is needed because there will be an increased in work load due to the compliance plan requirements. Specifically:

- Increased number of attorney assignments is anticipated due to more defendants getting assigned attorneys. At this point, not all defendants are given attorneys at the time of arraignment or through the entirety of the proceedings. With the new standards, all defendants will be entitled to attorneys and will be assigned attorneys which are a departure from current practice.



- With the increased number of assignments, the OAC will be required to not only assign the cases to the appropriate department, but conflict checks would have to be run on those as well. Conflict checks are often time consuming due to the number of clients that go through the office. Even though conflict checks are run, there are times when things are missed; reassignment is necessary which is time consuming. The increased number of assignments is a direct result of the MIDC plan requirements.
- When conflict exists between the two current offices, overflow attorneys need to be identified and contacted so assignments can be made.
- Further, as part of the arraignment contract, it is required for the arraignment contract attorneys to gather as much discovery, prior criminal history, and all relevant information at the time of the arraignment. After this is collected and the client is arraigned, that client file is to be turned over to the OAC office and the OAC is in charge of forwarding that information to the assigned attorney. This is an additional task that is imposed due to the MIDC compliance plan requirements.

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.	<b>\$156,000.00</b> *NEW COST*
Public Defender Off.	(103,342 and 113,832 salaries including fringe)	Felony/Misd. Rep	<b>\$217,174</b>
Off. Criminal Defense	(103,342 and 113,832 salaries including fringe)	Felony/Misd. Rep.	<b>\$217,174</b>
Overflow Attorneys	Various (\$20,448.75 misdemeanor Atty. And \$64,789.25 felony atty.)	Felony/Misd. Rep	<b>\$85,238.00</b> *COST ENHANCEMENT*
Investigators	\$50/Hour for apprx. 200 hours	As Needed	<b>\$10,000.00</b> *NEW COST*
Experts	Various – amounts determined by MIDC guidelines	As Needed	<b>\$15,000.00</b> *NEW COST*
<b>TOTAL</b>			<b>\$ 700,586.00</b>

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.

-19-



**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)	<b>\$2,535.80</b> *NEW COST*
CDAM Conferences	4 Attorneys – current staff (each atty. Attending 2 conferences at 682.95 a conference per attorney)	<b>\$5,463.60</b>
CDAM Conferences	Up to 12 Attorneys – NEW (682.95 per conference)	<b>\$8,195.40 (One Conference)</b> *NEW COST*
NAPD Membership	Up to 16 Attorneys – NEW (\$25.00 per membership)	<b>\$400.00</b> *NEW COST*
SADO Membership	Up to 10 Attorneys – NEW (Membership free for staff attorneys, \$50 for others)	<b>\$500.00</b> *NEW COST*
<b>TOTAL</b>		<b>\$17,094.8</b>

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

- 20 -

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	<b>\$1,600.00</b> *NEW COST*
IPADS	5 x 574.99	<b>\$2874.95</b> *NEW COST*
IPAD Stand	5 x 149.99	<b>\$749.95</b> *NEW COST*
Web Cam	2 x 129.99	<b>\$259.98</b> *NEW COST*
Laptop	\$1049.99	<b>\$1,049.99</b> *NEW COST*
Office Supplies	\$1000.00	<b>\$1,000.00</b> *NEW COST*
Conflict Software	\$2/7530 cases	<b>\$7,530.00</b> *NEW COST*
Defenders Office Budget	(Both Offices Additional Budget of 9510.00 x 2)	<b>\$19,020.00</b>
TOTAL		<b>\$34,084.87</b>

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.

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)

\$ 1,046,774.01
-----------------

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	\$1,046,774.01
COMPLIANCE PLANNING COSTS	+ \$
REIMBURSEMENTS	+ \$ 29,576.20
LOCAL SHARE	- \$622,725.69
<b>COMPLIANCE PLAN GRANT REQUEST</b>	<b>\$453624.52</b>

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.



**LOCAL SHARE CALCULATION**

**2010:**

(1) Professional Services (outside attorneys, witness fees, etc., with FOC & PPO's backed out)

Circuit Court: 29,635.10  
District Court: 164,837.75  
Total: 194,472.85

(2) Personnel Costs (Wages, Salaries & Fringes):

Office 1: 261,621.30  
Office 2: 203,192.21  
Total: 464,813.51

**Total Base Line Cost for 2010: \$659,286.36**

**2011:**

(1) Professional Services (outside attorneys, witness fees, etc., with FOC & PPO's backed out)

Circuit Court: \$92,632.96  
District Court: \$172,163.17  
Fees: \$260.06  
Total: \$265,056.19

(2) Personnel Costs (Wages, Salaries & Fringes):

Office 1: 129,401.19  
Office 2: 211,879.11  
Total: 341,280.30

**Total Base Line Cost for 2011: \$606,336.49**

**2012:**

(1) Professional Services (outside attorneys, witness fees, etc., with FOC & PPO's backed out)

Circuit Court: \$111,065.74  
District Court: \$163,413.25  
Fees: \$344.90  
Total: \$274,823.89

(2) Personnel Costs (Wages, Salaries & Fringes):

Office 1: 358.57  
Office 2: 327,371.75  
Total: 327,730.32

**Total Base Line Cost for 2012: \$602,554.21**

**REIMBURSEMENT CALCULATION**

The reimbursement calculation is based on payments received in 2017 from defendants for indigent defense attorney fees. The number used, \$29,576.20, is used as an estimate as 2017 was an average and unremarkable year in regards to reimbursements compared with other years.

*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.

**OFFICE OF ASSIGNED COUNSEL  
MONTHLY REPORT  
DECEMBER, 2017**

Total Number of Referrals: ----- **157**

VOP	20	Misd.	64	Appeals	1	FOC	1
Felony	46	Traffic	24	PPO's	1	Paternity	0

Total Number of New Assignments: ----- **133**

VOP	18	Misd.	56	Appeals	1	FOC	1
Felony	36	Traffic	20	PPO's	1	Paternity	0

Total Number of Defendants Currently Representing - Assigned on New Charges: ----- **23**

VOP	2	Misd.	7	Appeals	0	FOC	0
Felony	10	Traffic	4	PPO's	0	Paternity	0

Total Number of Defendants denied Court Appointed Counsel: ----- **1**

VOP	0	Misd.	1	Appeals	0	FOC	0
Felony	0	Traffic	0	PPO's	0	Paternity	0

There were a total of **153** defendants assigned on felonies, misdemeanors, traffic & vop's.

**LABEAN / CHAMBERLAIN**

New Assignments: ----- **60**

Felonies	18
C.C. VOP	9
Misd.	28
Traffic	5

There were a total of **130** NEW assignments on felonies, misdemeanors, traffic & violations of probation, which the Criminal Defense Office was assigned.  
60 or 46%

Defendants Currently Representing - Assigned on New Charges: ----- **10**

Felonies	3
C.C. VOP	0
Misd.	5
Traffic	2

**MANNIKKO / HETHERINGTON**

New Assignments: ----- **67**

Felonies	16
C.C. VOP	9
Misd.	27
Traffic	15

There were a total of **130** NEW assignments on felonies, misdemeanors, traffic & violations of probation, which the Public Defender's Office was assigned.  
67 or 52%



Defendants Currently Representing - Assigned on New Charges:

9

Felonies	4
C.C. VOP	2
Misd.	1
Traffic	2

**PRIVATE COUNSEL**

New Assignments:

3

Felonies	2
C.C. VOP	0
Misd.	1
Traffic	0

There were a total of 130 NEW assignments on felonies, misdemeanors, traffic & violations of probation, which the Private Counsel was assigned 3 or 2%

Defendants Currently Representing - Assigned on New Charges:

4

Felonies	3
C.C. VOP	0
Misd.	1
Traffic	0

**OFFICE OF ASSIGNED COUNSEL  
REPORT  
YEAR TO DATE, 2017**

Total Number of Referrals: ----- **2140**

VOP	216	Misd.	894	Appeals	24	FOC	5
Felony	527	Traffic	462	PPO's	12	Paternity	0

Total Number of New Assignments: ----- **1858**

VOP	193	Misd.	787	Appeals	24	FOC	5
Felony	453	Traffic	386	PPO's	10	Paternity	0

Total Number of Defendants Currently Representing - Assigned on New Charges: ----- **261**

VOP	23	Misd.	98	Appeals	0	FOC	0
Felony	70	Traffic	68	PPO's	2	Paternity	0

Total Number of Defendants denied Court Appointed Counsel: ----- **21**

VOP	0	Misd.	9	Appeals	0	FOC	0
Felony	4	Traffic	8	PPO's	0	Paternity	0

There were a total of **2078** defendants assigned on felonies, misdemeanors, traffic & vop's.

**LABEAN / CHAMBERLAIN**

New Assignments: ----- **816**

Felonies	207
C.C. VOP	84
Misd.	354
Traffic	171

There were a total of **1819** NEW assignments on felonies, misdemeanors, traffic & violations of probation, which the Criminal Defense Office was assigned.  
**816** or **45%**

Defendants Currently Representing - Assigned on New Charges: ----- **123**

Felonies	33
C.C. VOP	10
Misd.	51
Traffic	29

**MANNIKKO / HETHERINGTON**

New Assignments: ----- **853**

Felonies	207
C.C. VOP	106
Misd.	370
Traffic	170

There were a total of **1819** NEW assignments on felonies, misdemeanors, traffic & violations of probation, which the Public Defender's Office was assigned  
**853** or **47%**

-29-



Defendants Currently Representing - Assigned on New Charges:

113

Felonies	29
C.C. VOP	10
Misd.	38
Traffic	36

**SCHISLER LAW FIRM**

New Assignments:

102

Felonies	0
C.C. VOP	0
Misd.	57
Traffic	45

There were a total of 1819 NEW assignments on felonies, misdemeanors, traffic & violations of probation, which the Schisler Law Firm was assigned 102 or 6%

Defendants Currently Representing - Assigned on New Charges:

6

Felonies	1
C.C. VOP	1
Misd.	3
Traffic	1

**PRIVATE COUNSEL**

New Assignments:

49

Felonies	40
C.C. VOP	3
Misd.	6
Traffic	0

There were a total of 1819 NEW assignments on felonies, misdemeanors, traffic & violations of probation, which the Private Counsel was assigned 49 or 3%

Defendants Currently Representing - Assigned on New Charges:

16

Felonies	6
C.C. VOP	2
Misd.	6
Traffic	2

## PROBATE COURT - YTD 2017

Total Number of Referrals:----- 263

Delinquency	201
Neglect	62

Total Number of New Assignments:----- 201

Delinquency	150
Neglect	51

Total Number of Cases Currently Representing - Assigned on New Charges/Adding New Attorney: ----- 59

Delinquency	48
Neglect	11

Total Number of Referrals denied Court Appointed Counsel: ----- 3

Delinquency	3
Neglect	0

### DELINQUENCY

NEW ASSIGNMENTS:----- 150

Public Defender	114
Private Attorneys	36

CASE PENDING /  
NEW CHARGES:----- 48

Public Defender	32
Private Attorneys	16

### NEGLECT

NEW ASSIGNMENTS:----- 51

Public Defender	39
Private Attorneys	113

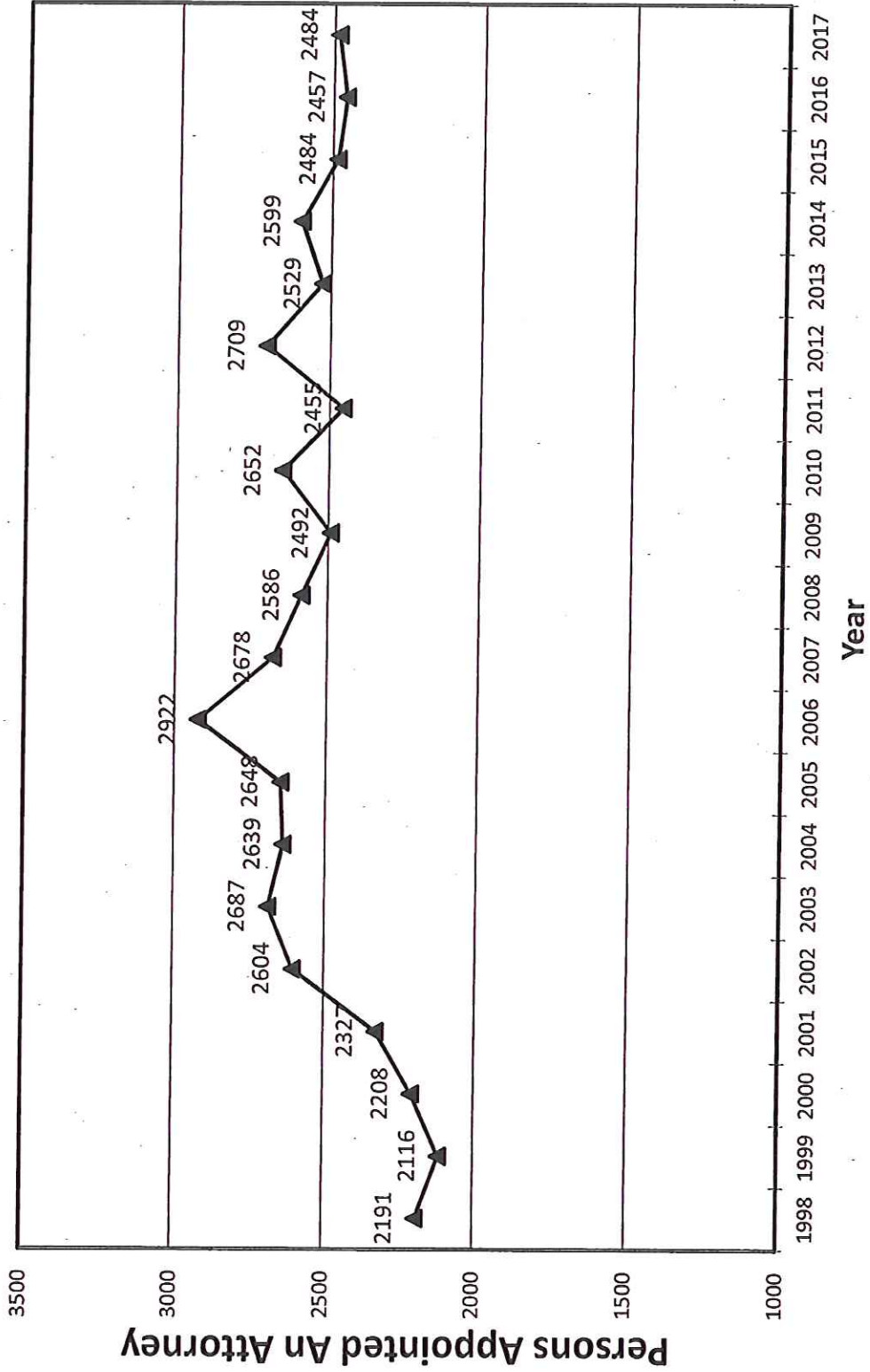
CASE PENDING /  
ADDING NEW ATTORNEY:----- 11

Public Defender	5
Private Attorneys	10

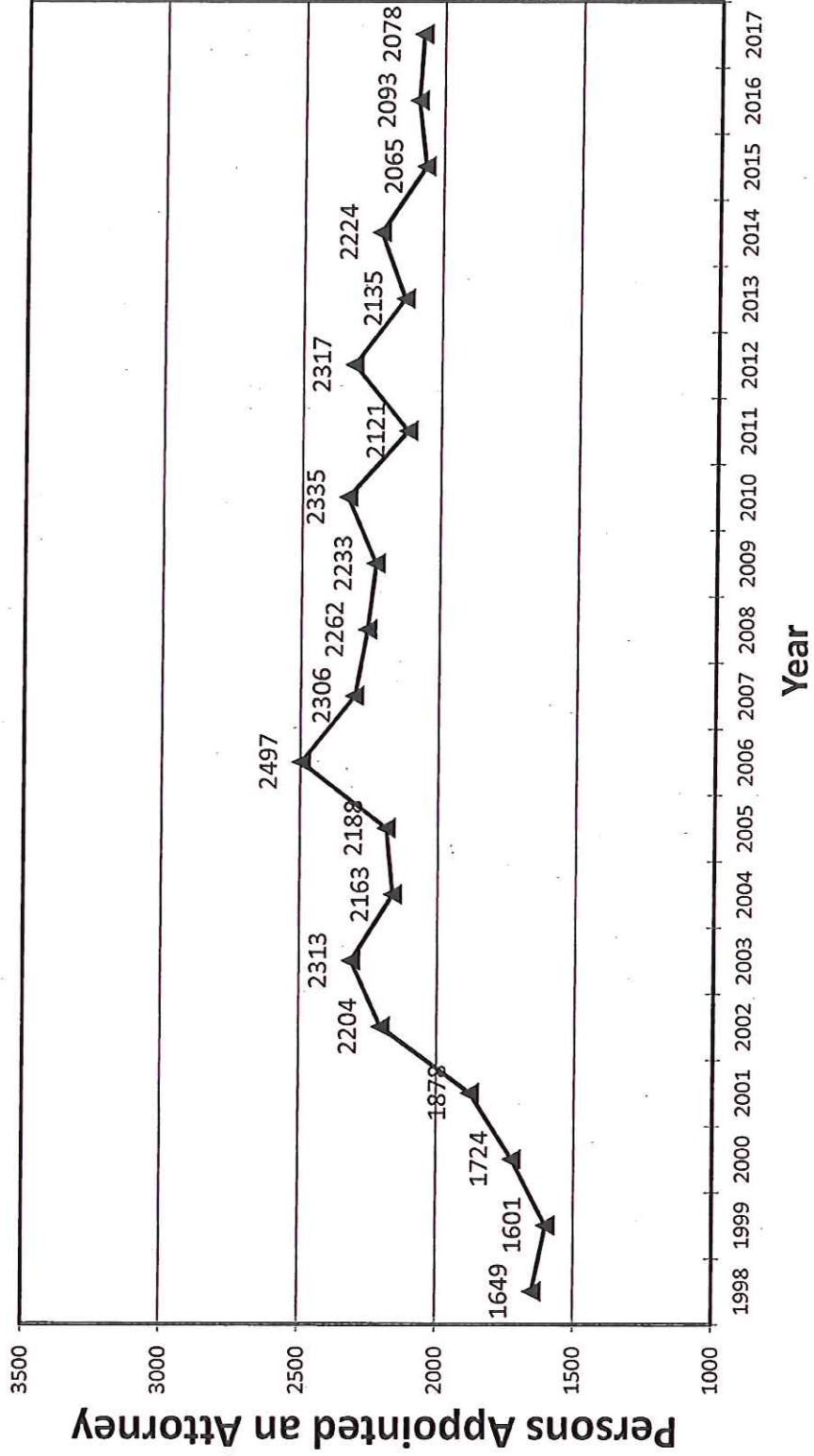
\*Numerous attorneys may be assigned to an individual case.



# OFFICE OF ASSIGNED COUNSEL 1998 -2017 Total Case Appointments

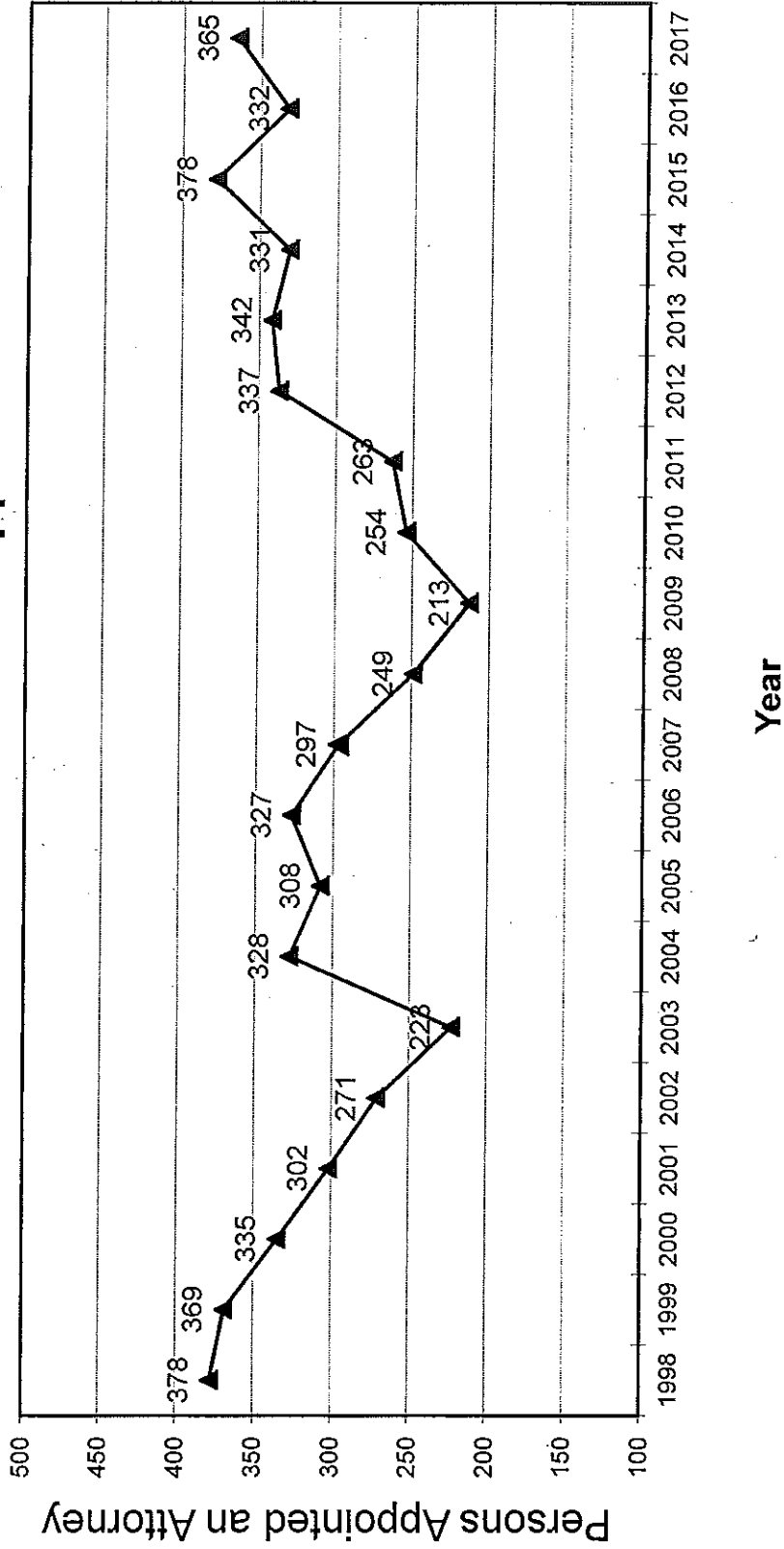


# OFFICE OF ASSIGNED COUNSEL 1998-2017 Total Criminal Appointments





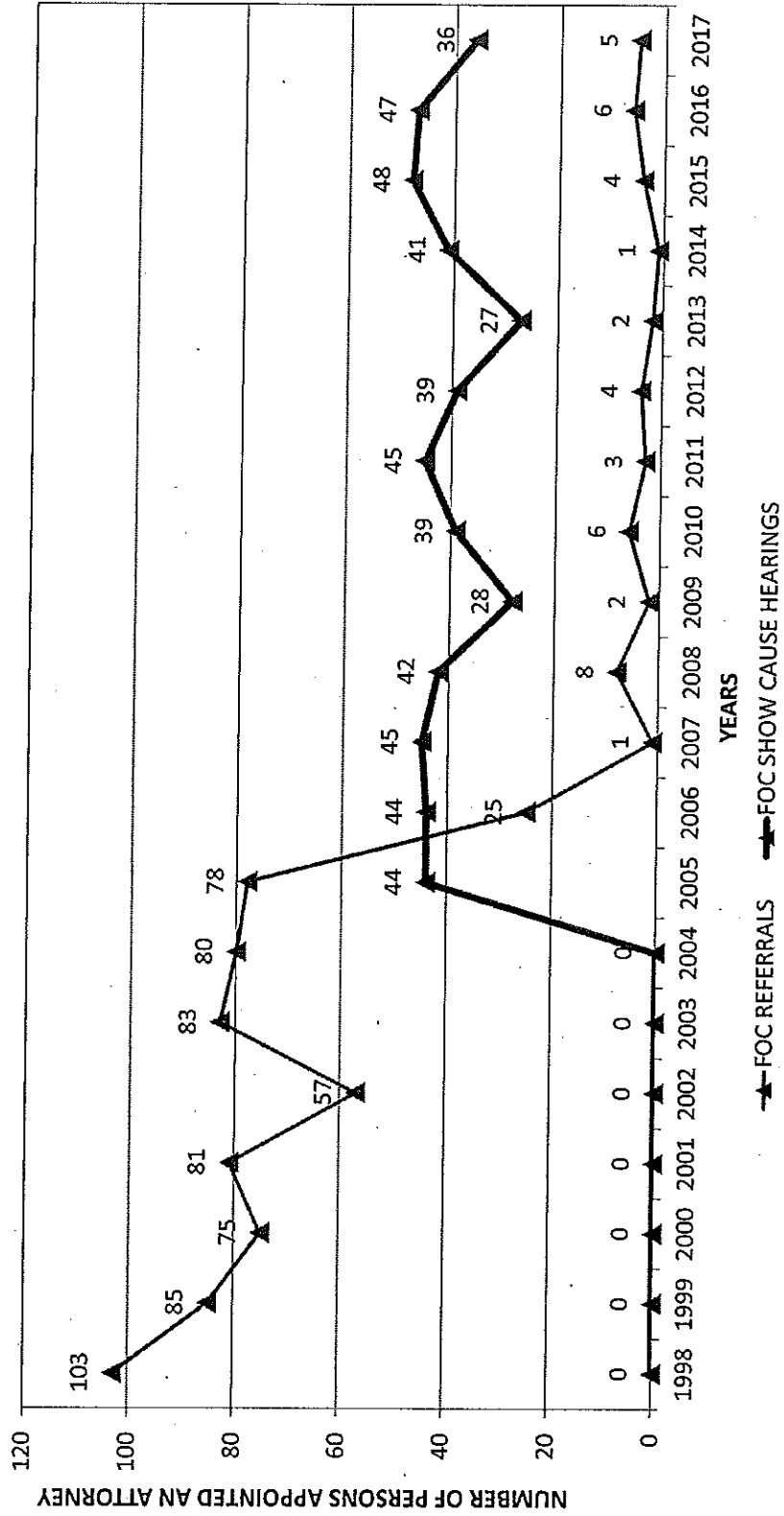
# OFFICE OF ASSIGNED COUNSEL 1998-2017 Probate Court Appointments



# OFFICE OF ASSIGNED COUNSEL

1998-2017 FOC/PPO Cases

FOC Show Cause Hearings






**BAY COUNTY  
PERSONNEL DEPARTMENT**

**James A. Barcia**  
County Executive

**Tiffany Jerry**  
Director  
[jerryt@baycounty.net](mailto:jerryt@baycounty.net)

To: Tom Ryder, Chairperson, Personnel/Human Services Committee  
From: Tiffany Jerry, Director of Personnel and Employee Relations   
Date: March 14, 2018  
Re: Personnel/Human Services Committee Agenda

Please consider the following items for the agenda of your committee meeting scheduled for March 20, 2018.

1. **Request (Vacancy):**  
The Drain Commissioner has submitted a request to post and fill a full-time seasonal Drain Maintenance position.

**Background:**

The position is vacant due to the retirement of a full-time employee last year. The Drain Commissioner didn't fill the position last year as the cold weather season is less demanding in the Drain Office. However, with new construction season approaching, replacing the employee with a seasonal employee is necessary.

**Finance/Economics:**

Full-time, seasonal position with benefits as provided for within the USW full-time labor agreement although union membership is voluntary. \$16.60 per hour entry progressing to \$19.74 per hour after 2 years (TU08). This position is in the 2018 budget and it is completely reimbursed by the Bangor Township consolidated Drain District and there is no impact on the general fund budget.

**Recommendation:**

Please refer to the board for approval to fill the full-time seasonal Drain Maintenance position with the Drain Office.

2. **Request:**  
The Sheriff has submitted a request to hire a full-time Road Patrol Deputy.

**Background:**

Due to the recent approval of the Pinconning contract to afford an additional full-time Road Patrol Deputy (K9) to Pinconning, a vacant Road Patrol Deputy position exists.

**Finance/Economics:**

Full-time position with benefits as provided for under the collective bargaining agreement. Rate of pay is \$18.83 per hour entry progressing to \$26.35 per hour after 5 years. This position is budgeted in the 2018 budget and no additional general funds are necessary.

**Recommendation:**

Please refer to the full board for approval to fill the full-time Road Patrol Deputy position. Your cooperation and assistance to conduct any and all budget adjustments when necessary is greatly appreciated in filling this position.



3. **Request:**  
Mosquito Control has submitted a request to post and fill a full-time Fleet Mechanic Position.

**Background:**  
Current employee has resigned.

**Finance/Economics:**  
This is a full-time position with benefits as provided for within the USW full-time labor agreement although union membership is voluntary. The wage scale for a State of Michigan certified mechanic is \$15.09 per hour progressing to \$17.91 per hour after 2 years (TU07). The wage scale for a State of Michigan master mechanic is \$16.60 per hour entry, progressing to \$19.74 per hour after 2 years (TU08). Funds exist within the current budget.

**Recommendation:**  
Please refer to the full board for approval to fill the full-time Fleet Mechanic position in Mosquito Control.

Thank you for your consideration and approval of any necessary budget adjustments related to the aforementioned requests. If you have any questions or concerns, please feel free to contact me.

cc: Jim Barcia  
Amber Davis-Johnson  
Shawna Walraven  
Jan Histed  
Kim Priessnitz  
Troy Cunningham  
Joseph Rivet  
Laura Ogar  
Rebecca Brandt



**Troy R. Cunningham**  
*Sheriff Of Bay County*

Christopher D. Mausolf  
Undersheriff

Troy A. Stewart  
Jail Administrator

DATE: March 14, 2018  
TO: Tiffany Jerry  
Director of Personnel  
FROM: Sheriff Troy R. Cunningham *TRC*  
SUBJECT: **Road Patrol Deputy Position**

**BACKGROUND:**

Due to the recent approval of the Pinconning contract to afford an additional Full Time Road Deputy (K9) to Pinconning, a vacant Road Patrol Deputy position exists. I am requesting the position be filled in order to maintain adequate staffing.

**FINANCE/ECONOMICS:**

Full time Road Patrol Deputy position with benefits as provided for under the Collective Bargaining Agreement, hire rate of \$18.83 per hour progressing to \$26.35 per hour after five years. This position was budgeted in the 2018 budget, no additional general funds are necessary.

**RECOMMENDATION:**

Please refer to the full board for approval to fill the full time Road Patrol Deputy Position. Your cooperation and assistance to conduct any and all budget adjustments when necessary is greatly appreciated in filling this position.

CC: Christopher D. Mausolf, Undersheriff  
Tom Ryder, Chairman Personnel/Human Services  
Deanne Berger, Board Coordinator  
Jan Histed, Finance Director  
Kim Priessnitz, Assistant Finance Director  
Michele Zook, Personnel (10131500)  
File Copy

Ls/Personnel.rd-position03-18

- 38 -



**BAY COUNTY MOSQUITO CONTROL**

810 Livingston Ave  
Bay City, Michigan 48708

**REBECCA J. BRANDT, MANAGER**

brandtr@baycounty.net

Phone (989) 894-4555  
Fax (989) 894-0526  
TDD (989) 895-4049  
<http://www.baycounty-mi.gov>



**JAMES BARCIA**  
County Executive

**LAURA OGAR, DIRECTOR**  
ogarl@baycounty.net

Community Initiatives  
Geographic Information Systems  
Gypsy Moth Suppression Program  
Mosquito Control  
Transportation Planning

**To:** Tiffany Jerry, Director  
Bay County Personnel

**Through:** Laura Ogar, Director  
Environmental Affairs & Community Development

**From:** Rebecca J. Brandt, Manager  
Bay County Mosquito Control

**Date:** March 9, 2018

**Re:** Request to Post and Fill Fleet Mechanic Position

**BACKGROUND:**

There is a Fleet Mechanic vacancy at Mosquito Control as a result of our current mechanic resigning, effective March 16, 2018.

**FINANCE:**

This is a full-time position with benefits in the Steelworkers union, although membership is voluntary. The entry wage for a State of Michigan certified mechanic is \$15.09/hour progressing to \$17.91/hour after 2 years (TU07). The entry wage for a State of Michigan master mechanic is \$16.60/hour progressing to \$19.74/hour after 2 years (TU08). Funds exist within the current budget line item 704.00.

**RECOMMENDATION:**

I recommend to post and fill the Fleet Mechanic position following Board approval, and appropriate reference checks, drug testing and legal review. Thank you for your consideration.

cc: James Barcia  
Michele Zook  
Deanne Berger



**BAY COUNTY BOARD OF COMMISSIONERS**

**APRIL 10, 2018**

**RESOLUTION**

**BY: PERSONNEL/HUMAN SERVICES COMMITTEE (3/20/18)**

**RESOLVED** By the Bay County Board of Commissioners that concurrence is given to post/advertise/fill the following full time/part time/temporary/seasonal or co-op positions/vacancies/new positions, monies for said positions to come from the respective departmental budgets:

**A. VACANCIES:**

1. Drain Office - Drain Maintenance Worker (full time, seasonal; \$16.60/hr. entry)
2. Sheriff Department - Road Patrol Deputy (full time; \$18.83/hr. entry)
3. Mosquito Control - Fleet Mechanic (full time; \$15.09/hr. entry; \$16.60/hr. entry for State of Michigan master mechanic)

**RESOLVED** That budget adjustments, if required, are approved; Be It Further

**RESOLVED** That it is clearly understood that any positions funded through a grant shall be terminated or hours reduced if grant funding is terminated or reduced.

**TOM RYDER, CHAIR  
AND COMMITTEE**

**Vacancies - March**

MOVED BY COMM. \_\_\_\_\_

SUPPORTED BY COMM. \_\_\_\_\_

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

VOTE TOTALS:  
 ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_  
 VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_  
 DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_  
 AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

## RECREATION & FACILITIES

**CRISTEN GIGNAC, DIRECTOR**  
gignacc@baycounty.net

**Andrew Cowan, Operations Manager**  
cowana@baycounty.net

**Jon Morse, Buildings & Grounds Supervisor**  
morsej@baycounty.net

**Daniel Neering, Recreation Manager**  
neeringd@baycounty.net

**Beth Trahan, Recreation Coordinator**  
trahanb@baycounty.net



## BAY COUNTY

**JAMES A. BARCIA**  
County Executive

Tel: (989) 895-4132  
Fax: (989) 895-2094  
TDD: (989) 895-4049

To: Tom Ryder, Chairman of Personnel and Human Services Committee

From: Jon Morse, Supervisor of Buildings and Grounds

Date: March 14, 2018

Subject: Softball Contract

**Request:** To gain approval from the Board of Commissioners to enter into an updated agreement with the City of Bay City and the Bay Softball Association that accurately reflects duties and responsibilities at the softball fields at Veteran's Memorial Park.

**Background:** Bay County has a long history of providing maintenance of the softball fields at Veteran's Memorial Park. For more than 10 years, the Softball Association has been paying the County for ALL costs associated with the maintenance performed at the softball fields each year. The former agreement was outdated and needed to be revised. We have renegotiated the agreement and would recommend entering into a new agreement with the City of Bay City and the Bay Softball Association that accurately reflects current duties and responsibilities of each participating party.

**Economics:** The Bay Softball Association will reimburse Bay County for all costs associated with the maintenance of the softball fields.

**Recommendation:** It is recommended that the Board approve the updated Parks Programming and Maintenance Agreement with the City of Bay City and the Bay Softball Association, and grant approval for the Chairman to sign a new agreement, upon positive review of Corporation Counsel.

cc: Jim Barcia, Cristen Gignac, Blake Coppinger, Amber Davis-Johnson, Jan Histed, Dana Muscott, Tim Botzau, Bay Softball Association

-41-

**BAY COUNTY BOARD OF COMMISSIONERS**

**APRIL 10, 2018**

**RESOLUTION**

**BY: PERSONNEL/HUMAN SERVICES COMMITTEE (3/20/18)**

**WHEREAS,** Bay County has a long history of providing maintenance of the softball fields at Veteran’s Memorial Park and, for more than 10 years, the Softball Association has been paying the County for ALL costs associated with the maintenance performed at the softball fields each year; and

**WHEREAS,** The former agreement was outdated and needed to be revised and the new agreement with the City of Bay City and the Bay Softball Association has been renegotiated to accurately reflect current duties and responsibilities of each participating party at Veteran’s Memorial Park; and

**WHEREAS,** The Bay Softball Association will reimburse Bay County for all costs associated with the maintenance of the softball fields; Therefore, Be It

**RESOLVED** That the Bay County Board of Commissioners approves the updated Parks Programming and Maintenance Agreement with the City of Bay City and the Bay Softball Association ; Be It Further

**RESOLVED** That the Chairman of the Board is authorized to execute said Agreement on behalf of Bay County following Corporation Counsel review/approval.

**TOM RYDER, CHAIR  
AND COMMITTEE**

**Rec & Facilities - Softball Association Contract**

MOVED BY COMM. \_\_\_\_\_

SUPPORTED BY COMM. \_\_\_\_\_

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

**VOTE TOTALS:**

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_

AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_





**BAY COUNTY  
DEPARTMENT ON AGING**

**James A. Barcia  
County Executive**

---

To: Tom Ryder, Personnel and Human Services Committee

From: Beth Eurich, Department on Aging Director

Date: March 14, 2018

Cc: Jim Barcia, Amber Johnson, Jan Histed, Bob Redmond

RE: Request to approve Service Coordination Agreement between Golden Horizons and Bay County Department on Aging.

**BACKGROUND:**

In the past there has been a Service Coordination Agreement between Golden Horizons and Bay County Department on Aging. As a contract provider with Region VII Area Agency on Aging, we are required to update our service agreement. Our agencies have a long history of working together to ensure that Bay County residents 60+ stay as independent as possible and receive the services as they need.

**FINANCE and ECONOMICS:**

There is no financial cost to Bay County or Bay County Department on Aging.

**RECOMMENDATION:**

Upon favorable review by Corporation Counsel, the Department on Aging recommends that the Service Coordination Agreement between Golden Horizons and Bay County Department on Aging be approved; and agreement be signed by the Board Chair.

**BAY COUNTY BOARD OF COMMISSIONERS**

**APRIL 10, 2018**

**RESOLUTION**

**BY: PERSONNEL/HUMAN SERVICES COMMITTEE (3/20/18)**

**WHEREAS, In the past there has been a Service Coordination Agreement between Golden Horizons and Bay County Department on Aging; and**

**WHEREAS, As a contract provider with Region VII Area Agency on Aging, Bay County is required to update the existing service agreement; and**

**WHEREAS, Bay County Department on Aging and Golden Horizons have a long history of working together to ensure that Bay County residents 60+ stay as independent as possible and receive the services as they need; and**

**WHEREAS, There is no financial cost to Bay County or the Bay County Department on Aging; Therefore, Be It**

**RESOLVED That the Bay County Board of Commissioners approves the Service Coordination Agreement between Bay County (Department on Aging) and Golden Horizons 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**

**DOA - Service Coordination Agt with Golden Horizons**

MOVED BY COMM. \_\_\_\_\_

SUPPORTED BY COMM. \_\_\_\_\_

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

**VOTE TOTALS:**

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_  
AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_



**BAY COUNTY  
DEPARTMENT ON AGING**

**James A. Barcia  
County Executive**

---

To: Tom Ryder, Personnel and Human Services Committee

From: Beth Eurich, Department on Aging Director *BE*

Date: March 5, 2018

Cc: Jim Barcia, Amber Johnson, Jan Histed, Bob Redmond

RE: Request to receive the following grant and donation from Women's Philanthropy Donor Advised Endowment Fund of Bay Area Community Foundation and from Jerry and Bonita Rankey.

**BACKGROUND:**

In December our County Clerk, Cynthia Luczak and the Clerks Association donated to Bay County Department on Aging dog and cat food for our "clients with the greatest economic need." Also in December Bay County Department on Aging received a \$500 grant from the Women's Philanthropy Donor Advised Endowment Fund to assist with purchase of pet food for Bay County Department on Aging clients. This January, Bay County Department on Aging received a \$500 donation for the "purchase of pet food for seniors on our caseloads" from Jerry and Bonita Rankey.

**FINANCE and ECONOMICS:**

Gift cards will be purchased from Meijer with said grant and donation monies, so that Case Managers can assist Department on Aging clients, with the greatest economic need who have pets, in meeting this need.

**RECOMMENDATION:**

Department on Aging recommends that the Board of Commissioners approve that the Department on Aging be allowed to receive the grant and donation funds and approve any required budget adjustments.





**Bay Area**  
community foundation

December 12, 2017

Attn: Jessica Somerlott  
Bay County Department on Aging  
515 Center Avenue  
Bay City, MI 48708

Dear Ms. Somerlott:

At the suggestion of Women's Philanthropy Donor Advised Endowment Fund, the Bay Area Community Foundation has approved a grant in the amount of \$500.00 to Bay County Department on Aging for the "the purchase of pet food for seniors on your caseloads".

Please identify this grant in the following way in any listing or publication of donors:  
*Women's Philanthropy Donor Advised Endowment Fund of the Bay Area Community Foundation.*

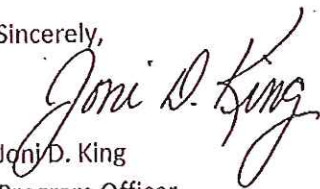
As a reminder, the donor received a federal charitable tax deduction at the time the gift was made to Bay Area Community Foundation. This grant does not represent a current tax deduction for the donor. In your acknowledgment, please make *no indication of a tax deduction, as this would be a duplication.*

Further, this grant cannot legally qualify for any benefits or other services to the donor who suggested it. This check should not be cashed if any portion of the expenditure is not fully charitable.

You may wish to express your appreciation to the group who suggested this grant, if so you can do so at the following address: *Women's Philanthropy Donor Advised Endowment Fund, Bay Area Community Foundation, 1000 Adams Street, Suite 200, Bay City, MI 48708.*

Bay Area Community Foundation is happy to administer donor advised funds to further fulfill charitable needs within our community and beyond!

Sincerely,

  
Joni D. King  
Program Officer

Enclosure: Check #18315

Bay Area Community Foundation  
Pere Marquette Depot • 1000 Adams Street • Suite 200 • Bay City, Michigan 48708  
tel 989.893.4438 fax 989.893.4448 www.bayfoundation.org

For good. For ever.®

-46-

Please find enclosed a check for the purchase of pet food. As I told you on the phone we have five dogs and one cat. They are all pound animals. Also we only adopt the older pets. The only problem with older pets is that you don't know how long they are going to be in your life. But they still deserve to be loved for whatever time they have. We've had some that must come from some pretty bad homes and it takes a long time to regain their trust in humans. My wife and I figured how many we've had, we came up with a little over 40 dogs and cats. This may be strange but we have a trust set up so when our time has come. That whatever we have as pets, that people will be paid to adopt our pets and let them live out their natural life. The bulk of our estate will be going to animal rescues. We've seen too many times that when a person passes, that no one in the family wants to take the pet in. So it ends up going to the pound, because it's the easy way out.

Thank you,

Bonita & Jerry Rankey

BAY COUNTY BOARD OF COMMISSIONERS

APRIL 10, 2018

RESOLUTION

BY: PERSONNEL/HUMAN SERVICES COMMITTEE (3/20/18)

WHEREAS, In December Bay County Clerk, Cynthia Luczak and the Clerks Association donated to Bay County Department on Aging dog and cat food for Department on Aging "clients with the greatest economic need."; and

WHEREAS, Also in December, the Bay County Department on Aging received a \$500 grant from the Women's Philanthropy Donor Advised Endowment Fund to assist with purchase of pet food for Bay County Department on Aging clients; and

WHEREAS, This January, Bay County Department on Aging received a \$500 donation for the "purchase of pet food for seniors on DOA caseloads" from Jerry and Bonita Rankey; and

WHEREAS, Gift cards will be purchased from Meijer with said grant and donation monies, so that Case Managers can assist Department on Aging clients, with the greatest economic need who have pets, in meeting this need. There is no financial impact on the Department on Aging's budget; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners, on behalf of the Bay County Department on Aging and with sincere gratitude, accepts the grant and generous donation funds from Bay County Clerk Cynthia A. Luczak and the Clerk's Association, the Women's Philanthropy Donor Advised Endowment Fund and Jerry and Bonita Rankey; Be It Further

RESOLVED That related, required budget adjustments are approved.

TOM RYDER, CHAIR  
AND COMMITTEE

DOA - Acceptance of Grant & Donations

MOVED BY COMM. \_\_\_\_\_

SUPPORTED BY COMM. \_\_\_\_\_

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

VOTE TOTALS:

ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

VOICE: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_

DISPOSITION: ADOPTED \_\_\_\_\_ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_  
AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_

-48-