CASS COUNTY
BOARD OF COMMISSIONERS

COMMITTEE OF THE WHOLE

May 16, 2024

5:00 PM

A. CALL TO ORDER – *Vice-Chair Barrera*

B. INVOCATION – *Chair Jones*

C. PLEDGE OF ALLEGIANCE – *Commissioner Lee*

D. ROLL CALL - *Clerk/Register Monica McMichael*

E. PUBLIC COMMENT – LIMITED TO AGENDA ITEMS ONLY – Limit 3 minutes/person

F. ADDITIONS/DELETIONS TO AGENDA

G. APPROVAL OF THE AGENDA – *Commissioner Lawrence*

H. APPROVAL OF APRIL 18, 2024 COMMITTEE OF THE WHOLE MINUTES – *Commissioner Laylin*

I. INTRODUCTION OF NEW SHERIFF DEPUTIES – *Sheriff Behnke*

J. FINANCE REPORT

K. UNFINISHED BUSINESS

L. NEW BUSINESS

1. Materials Management Planning – *Commissioner Marchetti/Administrator Newton*
   - **i.** SWMPC Contract
   - **ii.** Interlocal Agreement
2. L-4029 Report & Resolution – *Equalization Director Stewart*
3. Law & Courts Building Camera Upgrade – *IT Director Nestich/Administrator Newton*
4. Opioid Settlement Funding Application – *Administrator Newton/Opioid Committee Chair Bealor*
5. Policy Updates/Revisions – *Policy Committee*
   - **i.** Elected Official & Chief Deputy Salary Policy
   - **ii.** Commissioner Mileage Policy
   - **iii.** Boards & Commissions Per Diem & Mileage Policy
6. MSU Extension Amendment to MOA – *Administrator Newton*
7. Animal Control Fencing – *Sheriff Behnke/Animal Control Director Butts*
8. Prosecutor's Office Wage Scale Request – *Prosecutor Fitz*
9. Law Enforcement Agreement – Pokagon Band of Potawatomi/Cass County Sheriff – *Sheriff Behnke*

M. PUBLIC COMMENT – Limit 3 minutes/person

120 N. Broadway, Suite 200 ◊ Cassopolis, MI 49031
Telephone (269) 445-4420 ◊ Fax (269) 445-8978

N. CLOSED SESSION

O. BOARD MEMBER COMMENTS/ANNOUNCEMENTS

P. ADJOURNMENT

CASS COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE

April 18, 2024

Vice-Chair Barrera called the meeting to order at 5:00 p.m. in the Commission Chambers on Thursday, April 18, 2024. Commissioner Howie offered the Invocation. Chair Jones led the Pledge of Allegiance to the Flag of the United States of America.

Clerk and Register of Deeds Monica McMichael called roll:

COMMISSIONERS PRESENT: Ryan Laylin, James Lawrence, Joyce Locke, Jeremiah Jones, Samuel Barrera, Mary Howie, Roseann Marchetti and RJ Lee.

COMMISSIONERS ABSENT: None.

PUBLIC COMMENT (agenda items only)

None.

ADDITIONS/DELETIONS TO THE AGENDA

None.

APPROVAL OF THE AGENDA

Commissioner Marchetti moved, seconded by Chair Jones, to approve the April 18, 2024, Cass County Committee of the Whole Agenda. Motion to approve the agenda carried by voice vote.

APPROVAL OF MINUTES

Commissioner Lee moved, seconded by Commissioner Marchetti, to approve the March 21, 2024, Committee of the Whole Meeting Minutes. Motion carried by voice vote.

FINANCIAL REPORT

Finance Director Jennifer Rentfrow offered the Finance Report.

UNFINISHED BUSINESS

None.

DRAFT

NEW BUSINESS

1. Materials Management Planning

Administrator Newton and Commissioner Marchetti explained that counties were required to replace existing Solid Waste Management Plans with new Materials Management Plans (MMP). EGLE notified counties that the MMP Planning Process began January 8, 2024, and extended 180 days. Counties were required to determine the authority and implementation before submitting a Notice of Intent (NOI) to EGLE. They stated that Cass County planned to join an interlocal agreement with Berrien and Van Buren Counties where the Southwest Michigan Planning Commission would serve as the planning agency. They also informed board members that a grant would provide funding for much of the planning process.

Administrator Newton asked commissioners to pass a resolution approving the submission of an NOI, the designation of SWMPC as the DPA, and entering a multicounty planning agreement.

Chair Jones moved, seconded by Commissioner Laylin, to place item 1. on the next regular board meeting agenda. Motion carried by voice vote.

2. Silver Creek Township Police Services Contract

Sheriff Behnke informed commissioners the first year of the contract for Police Services between the Cass County Sheriff's Office and Silver Creek Township needed renewing. He explained that services were provided as county officers signed on to work overtime for the township. The Silver Creek Township Board approved the contract at their last meeting.

Commissioner Marchetti moved, seconded by Commissioner Laylin, to place item 2. on the next regular board meeting agenda. Motion carried by voice vote.

3. Drug Enforcement Millage Renewal

Administrator Newton informed commissioners that legal counsel provided guidance on language for the Drug Enforcement Millage Renewal. He relayed three options for ballot language:

- To request a straight renewal that would reduce the original amount of .500 to .4751 mills as required by Headlee.
- To request a renewal of .4751 mills with a new additional .0249 mills.
- To make a new request for .500 mills.

After discussion, commissioners chose option one to appear on the August 6, 2024, Primary Election ballot.

Commissioner Laylin, seconded by Commissioner Marchetti, to place item 3. on the next regular board meeting agenda. Motion carried by voice vote.

DRAFT

4. COA Millage Renewal

Council on Aging (COA) Director Marty Heirty requested the board approve the renewal language for the COA to appear on the August 6, 2024, Primary Election ballot as approved by the Council on Aging Board of Directors.

Commissioner Howie moved, seconded by Commissioner Locke, to place item 4. on the next regular board meeting agenda.

5. Policy Updates

i. Tax Sharing Policy

Commissioner Marchetti stated that the policy committee made updates to the existing Tax Sharing Policy. Administrator Newton explained that the existing policy, in the form of a resolution, was updated to a plain-language version. The policy was reviewed by the Equalization and Treasurer's Offices.

Commissioner Marchetti moved, seconded by Commissioner Lee, to move item 5. to the next regular board meeting agenda. Motion carried by voice vote.

ii. Conflict of Interest Policy

Administrator Newton stated that the county auditors suggested the county adopt a formal Conflict of Interest Policy. The policy would be updated annually by elected and appointed officials.

Chair Jones moved, seconded by Commissioner Howie to place the Conflict of Interest policy on the next regular board meting agenda. The voice vote was not clear. The Vice-Chair asked the Clerk to call roll:

Yes (5): Commissioners Lee, Barrera, Howie, Locke and Lawrence.

No (3): Commissioners Marchetti, Laylin and Jones.

The motion carried by roll call vote.

6. Public Defender Office Renovation

Chair Jones stated that Elite Companies distributed a Request for Proposals for the Public Defender's Office Renovation Project in the Law and Courts Building. Elite Companies was the lone company to reply to the request with a total cost of $44,197. Administrator Newton informed board members that county funds were not required for the project as the MIDC Grant would cover all expenses for the renovation.

Treasurer Anderson verified the timeline of the project as the renovation would require the Cass County CASA Office to relocate from the Law and Courts Building to the County Building.

Commissioner Laylin moved, seconded by Commissioner Marchetti, to move item 6. to the next regular board meeting agenda. Motion carried by voice vote.

DRAFT

7. L&C Building HVAC/Mechanical System Improvements

Maintenance Director Dave Reiff informed commissioners of HVAC and mechanical improvements necessary for the Law and Courts Building. After explaining the projects, Director Reiff asked commissioners to approve quotes from Trane in the amount of $62,678 and $35,340 for the repairs to the Chiller and the Building Control System at the Law and Courts Building. Administrator Newton stated the funds would be paid from the Public Improvement Fund.

Commissioner Lawrence moved, seconded by Chair Jones, to place item 7. on the next regular board meeting agenda. Motion carried by voice vote.

8. Animal Control Improvements Discussion

Sheriff Behnke and Animal Control Butts provided a brief history of construction of the Animal Control Building as it sits at 323 M-62, Cassopolis. When constructed 20 years ago, the Village of Cassopolis would not approve a fenced in area for dogs. Under new village administration, Sheriff Behnke informed commissioners he believed the Village of Cassopolis was now in support of outside runs and a fenced in area for dogs. He shared plans for a pole barn as well as exercise/social areas for shelter dogs.

Commissioner Laylin moved, seconded by Commissioner Marchetti, to move the Animal Control Projects to the Capital Projects Committee.

9. FY 24 Budget Amendments

Administrator Newton requested board members approve budget amendments. He went on to explain each amendment which resulted in a final total of $184,497 that would be allocated from Fund Balance.

Commissioner Marchetti moved, seconded by Commissioner Laylin, to place item 9. on the next regular board meeting agenda. Motion carried by voice vote.

PUBLIC COMMENT

Public comment occurred.

CLOSED SESSION

None.

BOARD MEMBER COMMENTS/ANNOUNCEMENTS

Commissioners Howie, Laylin, Lawrence, Marchetti and Barrera shared comments.

DRAFT

ADJOURNMENT

Chair Jones moved, seconded by Commissioner Laylin, to adjourn. The meeting adjourned at 6:10 p.m.

Approved: _____
Date

_____
Vice-Chair Samuel Barrera

_____
Monica McMichael, Clerk/Register

DRAFT

CASS COUNTY
FINANCE DIRECTOR

TO: CASS COUNTY BOARD OF COMMISSIONERS
FROM: JENNIFER RENTFROW / FINANCE DIRECTOR
DATE: APRIL 30, 2024
RE: FINANCIAL REPORT

GENERAL FUND BUDGET TO ACTUAL SUMMARY REPORT

Attached you will find the General Fund Budget to Actual Summary Report. The report reflects the fiscal year budget & year-to-date activity total from October 1, 2023 through April 30, 2024, (FYE 9/30/24).

**Please note this is a preliminary report and is subject to change as it continues to be reviewed in depth to prepare for closing year-end and audit preparations.*

DEPARTMENT BUDGETS:

Survey & Remonumentation – Most expenses occur in December & January to satisfy grant requirements.

Drain Commission – Expenses may appear elevated due to the recent payment of the annual fees.

Mental Health - The payment of the third-quarter appropriation may give the impression of elevated trends.

Cooperative Extension – The payment of the third-quarter appropriation may give the impression of elevated trends.

Transfer Outs - Transfers exceeding budget expectations are attributable to the funding allocations required for the USDA Community Facilities Grant, necessitating adjustments made in May.

NOTES:

The Finance Department has been actively engaged in several key initiatives, including quarterly grant reporting, renewal of liability insurance, and employee benefit renewals. Additionally, we have initiated the budgeting process, with budget meetings scheduled with offices/departments throughout May. Budget requests are expected to be finalized by early June.

GENERAL FUND REVENUE BUDGET TO ACTUAL SUMMARY
AS OF 4/30/2024 (58.33% of Fiscal Year 2023-2024)

	ACTUAL @ 4/30/2023	2023-2024 ORIGINAL	2023-2024 AMENDED	ACTIVITY FOR APRIL 2024	ACTUAL @ 4/30/2024	AVAILABLE BALANCE	% BDGT USED
REVENUE SOURCES LESS GRANT/REIMBURSEMENTS:							
FEES/SERVICES/PERMITS	895,608	1,727,834	1,727,834	139,727	795,225	932,609	46.02%
INTEREST & RENTS	187,305	156,500	156,500	79,620	289,428	(132,928)	184.94%
STATE FUNDING	1,381,609	2,945,948	3,036,785	307,720	1,335,856	1,700,929	43.99%
TRANSFERS IN	181,000	992,365	992,365	191,841	575,524	416,841	58.00%
TAXES	1,293,219	13,094,361	13,094,361	484,922	1,542,493	11,551,868	11.78%
SUB TOTAL	3,938,741	18,917,008	19,007,845	1,203,831	4,538,526	14,469,319	24%
GRANT/REIMBURSEMENTS:							
GRANTS	627,103	1,699,423	2,062,423	152,306	1,473,706	588,717	71.46%
LOCAL CONTRIBUTIONS	142,176	563,427	563,427	55,792	217,413	346,014	38.59%
REIMBURSEMENTS/OTHER REVENUE	36,645	178,412	178,412	11,717	40,120	138,292	22.49%
FUND BALANCE ALLOCATION	0	814,472	1,027,199	0	0	1,027,199	0.00%
SUB TOTAL	805,924	3,255,734	3,831,461	219,816	1,731,238	2,100,223	45.18%
TOTAL REVENUES	4,744,664	22,172,742	22,839,306	1,423,647	6,269,765	16,569,541	27.45%
TOTAL EXPENSES *(See Detail Below)*	11,467,904	22,172,742	22,839,306	2,427,955	12,477,838	10,361,468	54.63%

GENERAL FUND EXPENSE BUDGET TO ACTUAL SUMMARY
AS OF 4/30/2024 (58.33% of Fiscal Year 2023-2024)

	ACTUAL @ 4/30/2023	2023-2024 ORIGINAL	2023-2024 AMENDED	ACTIVITY FOR APRIL 2024	ACTUAL @ 4/30/2024	AVAILABLE BALANCE	% BDGT USED
101 - BOARD OF COMMISSIONERS	144,446	250,235	250,235	12,606	148,199	102,036	59.22%
172 - ADMINISTRATOR	185,756	285,460	285,460	21,542	165,607	119,853	58.01%
191 - ACCOUNTING DEPT	247,301	467,695	467,695	36,255	267,730	199,965	57.24%
215 - CLERK/ROD	336,638	641,805	641,805	41,512	340,870	300,935	53.11%
228 - INFORMATION TECHNOLOGY	506,515	1,081,059	1,081,059	88,405	543,046	538,013	50.23%
233 - PURCHASING	113,498	166,000	166,000	5,002	73,537	92,463	44.30%
243 - PROPERTY DESCRIPTION DEPT	201,787	460,602	460,602	27,128	205,423	255,179	44.60%
245 - COUNTY SURVEY & REMONUMENTATION	45,614	54,079	54,079	0	53,021	1,058	98.04%
253 - TREASURER	265,202	481,841	481,841	31,201	259,768	222,073	53.91%
257 - ASSESSOR / EQUALIZATION DEPT	163,333	308,179	308,179	23,018	163,741	144,438	53.13%
262 - ELECTIONS	56,071	166,200	226,327	78,127	126,198	100,129	55.76%
265 - BUILDINGS & GROUNDS	636,581	1,167,571	1,167,571	92,732	655,329	512,242	56.13%
266 - ATTORNEY / CORP COUNSEL	31,278	70,000	70,000	10,061	32,245	37,755	46.06%
271 - INSURANCE / TAXES	208,985	538,615	538,615	0	242,760	295,855	45.07%
276 - COURT GRANTS	345,126	826,724	1,258,186	57,420	394,754	863,432	31.37%
279 - FAMILY / JUVENILE COURT	489,371	885,153	873,153	64,362	488,398	384,755	55.93%
283 - CIRCUIT COURT	182,942	341,830	358,830	24,371	193,794	165,036	54.01%
286 - DISTRICT COURT	528,881	951,471	951,471	76,286	528,154	423,317	55.51%
289 - FRIEND OF THE COURT	700,657	1,213,629	1,290,229	85,355	673,525	616,704	52.20%
294 - PROBATE COURT	288,816	516,515	516,515	38,649	298,052	218,463	57.70%
296 - PROSECUTING ATTORNEY	586,303	1,144,879	1,144,879	88,368	634,274	510,605	55.40%
301 - SHERIFF	1,649,468	3,136,812	3,136,812	207,953	1,522,679	1,614,133	48.54%
304 - LAW & COURTS SECURITY	93,998	180,427	180,427	10,781	78,430	101,997	43.47%
316 - SECONDARY ROAD PATROL	52,727	108,222	108,222	8,321	59,035	49,187	54.55%
331 - MARINE LAW ENFORCEMENT	2,661	45,408	72,783	200	3,915	68,868	5.38%
345 - PUBLIC SAFETY DEPT	155,886	457,311	457,311	15,535	157,008	300,303	34.33%
351 - JAIL OPERATION	1,772,673	3,436,896	3,436,896	260,087	1,788,790	1,648,106	52.05%
426 - EMERGENCY MGMT / HOMELAND SECURITY	58,871	104,504	104,504	8,110	59,509	44,995	56.94%
430 - ANIMAL CONTROL	245,804	437,776	437,776	29,674	230,287	207,489	52.60%
441 - PUBLIC WORKS	415	900	900	0	272	628	30.17%
442 - DRAIN COMMISSIONER	71,646	128,403	128,403	17,719	80,404	47,999	62.62%
528 - WASTE COLLECTION/DISPOSAL	3,630	27,800	27,800	752	1,044	26,756	3.75%
568 - SOIL CONSERVATION	5,000	10,000	86,000	0	48,000	38,000	55.81%
601 - HEALTH DEPARTMENT	0	293,544	293,544	0	73,386	220,158	25.00%
631 - SUBSTANCE ABUSE	11,230	60,000	60,000	0	8,270	51,730	13.78%
648 - MEDICAL EXAMINER	119,515	172,000	172,000	18,166	82,281	89,719	47.84%
649 - MENTAL HEALTH	85,500	122,000	122,000	30,500	91,500	30,500	75.00%
681 - VETERANS' BURIALS	6,451	10,000	10,000	0	1,690	8,310	16.90%
682 - VETERANS' COUNSELOR	68,985	138,562	138,562	5,426	53,659	84,903	38.73%
701 - PLANNING COMMISSION	12,305	24,018	24,018	(1,875)	9,451	14,567	39.35%
710 - COOPERATIVE EXTENSION	90,654	133,332	133,332	3,257	85,339	47,993	64.00%

	ACTUAL @ 4/30/2023	2023-2024 ORIGINAL	2023-2024 AMENDED	ACTIVITY FOR APRIL 2024	ACTUAL @ 4/30/2024	AVAILABLE BALANCE	% BDGT USED
751 - PARKS & RECREATION	121,121	252,828	252,828	15,666	121,138	131,690	47.91%
966 - TRANSFERS OUT	574,262	872,457	862,457	895,283	1,433,327	(570,870)	166.19%
TOTAL EXPENDITURES	11,467,904	22,172,742	22,839,306	2,427,955	12,477,838	10,361,468	54.63%

FUND BALANCE ALLOCATION ANALYSIS

UNASSIGNED FUND BALANCE 9/30/15	5,126,404	*PER 9/30/15 Comprehensive Financial Report*
UNASSIGNED FUND BALANCE 9/30/16	5,449,774	*PER 9/30/16 Comprehensive Financial Report*
UNASSIGNED FUND BALANCE 9/30/17	6,011,346	*PER 9/30/17 Comprehensive Financial Report*
UNASSIGNED FUND BALANCE 9/30/18	5,779,269	*PER 9/30/18 Comprehensive Financial Report*
UNASSIGNED FUND BALANCE 9/30/19	6,073,472	*PER 9/30/19 Comprehensive Financial Report*
UNASSIGNED FUND BALANCE 9/30/20	7,950,059	*PER 9/30/20 Comprehensive Financial Report*
UNASSIGNED FUND BALANCE 9/30/21	8,704,098	*PER 9/30/21 Comprehensive Financial Report*
UNASSIGNED FUND BALANCE 9/30/22	9,018,784	*PER 9/30/22 Comprehensive Financial Report*
ADOPTED FUND BALANCE ALLOCATION	8,028,010	*PER 9/30/23 Comprehensive Financial Report*
ADOPTED FUND BALANCE ALLOCATION	814,472	*Original 2023-2024 Budget as adopted*
	399,024	*Adjustments to FY24 Budget*
	1,213,496	
EST. UNASSIGNED FUND BALANCE 9/30/24	***6,814,514***	

CASS COUNTY
BOARD OF COMMISSIONERS

To: Board of Commissioners

From: Commissioner Marchetti / Administrator Newton

Re: Materials Management Plan

REQUEST:

Approve for both the Materials Management Contract and the Materials Management Interlocal Agreement to be added to the June 6th Regular Meeting.

BACKGROUND:

As we had discussed during the April Committee of the Whole Meeting as well as further updates at the May 2nd Regular Meeting, we need to move forward with the final 2 steps of the Materials Management Planning Process. This entails 2 separate items. First, is the approval of a Contract between the Southwest Michigan Planning Commission and the 3 counties to facilitate the work they have complete thus far and into the future under the Interlocal Agreement. Costs are capped under the Contract in such a manner as to ensure they are under the total proceeds to be received under the grant the counties will receive. As such, this agreement enables SWMPC to continue working to finalize our MMP Plan as well as ensure that all costs are born out of grant proceeds. Under this structure, there will be no net cost to the County after grant funding is considered. A cover sheet and contract are attached for your consideration.

Secondly, we need to approve the Interlocal Agreement between the Counties that lays the foundation for the multi-county plan as well as outline how the resultant Materials Management Planning Boad will be established and managed. The Interlocal Agreement is largely the same as was previously reviewed at the April Committee of the Whole. However, it was noted at that time that there were some minor updates/revisions that were needed to finalize it. Those have subsequently been accomplished. I would further note that Commissioner Marchetti and I have been heavily involved in the planning process, have reviewed the Interlocal Agreement, and offered several revisions and edits of our own throughout the crafting of the document.

Finally, it is important to note that we are working on a tight schedule with respect to the need to get everything finalized and submitted to EGLE. The MMP was initiated by EGLE on January 6th and that provides a 180-day window to complete the necessary first steps. As such, the Notice of Intent that must include the above-mentioned documents has to be submitted to EGLE on or before July 6th.

REVIEWS:

Prior to submitting this request, this agenda item was reviewed by all impacted departments noted below: (Ex: Administration, Maintenance, HR, and IT)

Material Management Workgroup, Administration

FINANCIAL ANALYSIS:

The costs of the work to be completed for the Materials Management Plan would be borne by the Grant the County will receive once everything is filed with EGLE. As such, there is projected to be no net cost to any of the three counties beyond that which is funded through the grant.

RECOMMENDATION

CASS COUNTY
BOARD OF COMMISSIONERS

Motion to add both the Materials Management Contract and the Materials Management Interlocal Agreement to the Consent Agenda of the June 6th Regular Meeting.

MEMORANDUM

TO: Berrien, Cass, and Van Buren Counties

FROM: K. John Egelhaaf, AICP

DATE: April 23, 2024

RE: SWMPC Materials Management Contract

I am appreciative that our three member counties have recognized the need to keep pace with the developments expected for Materials Management planning. The SWMPC understands the importance of staying abreast of the flow of information from EGLE and working with each of our counties to help translate information and obligation into action.

The SWMPC recognizes that alongside the three-county interlocal agreement, in order for our organization to be compensated for the past and future expenses, it is necessary to have a contract describing the formal terms of our agreement. Attached to this memorandum is that contract.

Since July of 2023, the SWMPC has been investing staff time in this work. To date, a total of 267.25 hours has been invested at a total of $16,104.63 in total expense. For expenses going forward, the contract describes the general breadth of the scope of work as well as the range of hourly wage anticipated.

CONTRACT FOR MATERIALS MANAGEMENT PLANNING

by and between

Southwest Michigan Planning Commission
376 West Main Street Suite 130
Benton Harbor, MI 49022
(Hereinafter referred to as "SWMPC")

and

Berrien County, Michigan
701 Main Street
St. Joseph, MI 49085

Cass County, Michigan
120 N. Broadway Avenue
Cassopolis, MI 49031

Van Buren County, Michigan
219 E. Paw Paw Street
Paw Paw, MI 49079-1429

THIS CONTRACT will enable the Southwest Michigan Planning Commission (SWMPC) to perform materials management planning for the counties of Berrien, Cass, and Van Buren Counties, Michigan as specified in the "Scope of Work" section of this document. This Contract is entered into on this the _____ day of May 2024. The Contract exists by and between the Southwest Michigan Planning Commission (SWMPC) of 376 W. Main Street, Suite 130, Benton Harbor, MI 49022, and Berrien County, 701 Main Street, St. Joseph, MI 49085, Cass County, 120 N. Broadway Avenue, Cassopolis, MI 49031, and Van Buren County, 219 E. Paw Paw Street, Paw Paw, MI 49079-1429 (the Counties).

Scope of Work

THE PARTIES AGREE that the SWMPC will be retained to perform materials management planning related to the assistance in compliance with the steps leading up to the development of a Materials Management Plan for southwest Michigan, the development of the Plan itself, and assistance with the ongoing implementation of the Plan. To meet the benchmarks necessary for state materials management compliance, the Counties and the SWMPC must remain informed

and responsive to state guidance. It is understood by both parties that the scope of the materials management planning work to be performed will vary relative to the requirements dictated by the State of Michigan in MCL 324.11571 through MCL 324.11587 . The SWMPC can be expected to understand the deliverables required for the Counties and will assist in the planning to achieve them. The scope of work encompassed by this Contract includes: Phase One tasks necessary to formalize three-county collaboration and the tasks required to create a three-county, regional, Materials Management Planning Committee (MMPC); Phase Two tasks are associated with the development and completion of a Materials Management Plan (MMP) in coordination with the MMPC as well as the administration associated with periodic meetings of the MMPC and the bi-annual reimbursement of per diem and mileage expenses of its members; and Phase Three tasks that follow the approval of the MMP and constitute the ongoing reporting and review of the MMP implementation.

Beyond Phase One and Two tasks, state materials management guidance suggests that Phase Three tasks will remain an obligation for the foreseeable future. Consequently, the term of the conclusion of this Contract has been established as merely an opportunity to review its contents for consideration of renewal. Thusly, it shall be understood that this Contract will conclude 36-months from its formal approval.

Payment Conditions

The SWMPC will perform the work under this Contract on an hourly basis. The hourly cost will be within a range of $55.00 to $140.00. The hourly range provided represents the breadth of SWMPC staff as well as anticipated salary changes over the term of the Contract. The SWMPC will send invoices monthly for the accrued expenses. For each invoice period, invoices will reflect the total hours invested by each individual SWMPC staff member, the hourly wage associated with each, the subtotal expense for each staff member, and the total sum of SWMPC expenses. For each invoice period, the total invoice amount will be divided into three equal invoices and submitted to each of the three counties.

For the purposes of establishing a not-to-exceed amount, the SWMPC projects Phase One tasks to not exceed $60,000. Phase Two tasks will not exceed 90% of the county grants received from the State of Michigan for the purposes of development and completion of a Materials

Management Plan (MMP) in coordination with the MMPC as well as the administration associated with periodic meetings of the MMPC and the bi-annual reimbursement of per diem and mileage expenses of its members. Phase Three tasks will not exceed 80% of the county grants received for the purposes that follow the approval of the MMP and constitute the ongoing reporting and review of the MMP implementation.

Terms

All work performed by the SWMPC pursuant to the terms of this Contract shall be deemed "work for hire," and any intellectual property rights SWMPC may acquire by reason of the services performed pursuant to this Contract shall be deemed assigned to the Counties upon performance of such work.

The SWMPC agrees to conscientiously provide planning services as outlined above. The SWMPC will devote all reasonable efforts to provide those services within a reasonable time frame.

To the extent allowed by law, each county and the SWMPC agree to indemnify, defend, and hold harmless the others from any and all claims, liabilities, judgements, costs, damages, expenses, and attorney fees that may arise from the performance under this Contract. This indemnification will survive the termination or expiration of this Contract. By entering into this Contract, the entities do not waive any immunities provided by law.

This Contract shall establish an independent contractor Contract between the Counties and the SWMPC, and shall not be construed as creating a partnership, joint venture, or any other business entity under which either party could take action to establish any obligation or liability for the other party. The SWMPC understands and agrees that it should be solely responsible for the timely reporting and payment of all income taxes and other governmental liabilities resulting from the performance of its services under this Contract, which responsibility is not borne or shared by the Counties in any manner whatsoever.

Execution and Termination of Contract

This Contract will be effective upon the signing by all parties. This Contract shall be rendered null and void in the event that either the Counties or the SWMPC elects to end the Contract.

This Contract will be terminated upon the receipt of written notice. Otherwise, if necessary, the Contract will be updated after 36 months by mutual written Contract of the parties to reflect changes in fees including but not limited to hourly wage and mileage costs.

Southwest Michigan Planning Commission
376 West Main Street, Suite 130
Benton Harbor, Michigan 49022
Attention: K. John Egelhaaf, Executive Director
egelhaafj@swmpc.org

Berrien County, Michigan
701 Main Street
St. Joseph, MI 49085
bdissette@berriencounty.org

Cass County, Michigan
120 N. Broadway Avenue
Cassopolis, MI 49031
matthewn@cassco.org

Van Buren County, Michigan
219 E. Paw Paw Street
Paw Paw, MI 49079-1429
faulj@vanburencountymi.gov

This Contract shall be governed by the laws of the State of Michigan. The effective date of this Contract shall be the last date on which it is executed by the parties involved. IN WITNESS WHEREOF, the undersigned have executed this Contract as of the date below.

Southwest Michigan Planning Commission

_____
Signature

_____
Printed Name

_____
Title

_____
Date

Berrien County

Signature

Printed Name

Title

Date

Cass County

Signature

Printed Name

Title

Date

Van Buren County

Signature

Printed Name

Title

Date

INTERLOCAL AGREEMENT BETWEEN BERRIEN COUNTY, CASS COUNTY, AND VAN BUREN COUNTY TO ESTABLISH A MULTICOUNTY MATERIALS MANAGEMENT PLAN, MATERIALS MANAGEMENT PLANNING COMMITTEE, AND DESIGNATE THE SOUTHWEST MICHIGAN REGIONAL PLANNING COMMISSION AS THE DESIGNATED PLANNING AGENCY FOR PLAN ADMINISTRATION

Part 115 of Public Act 451 of 1994 (MCL 324.115 et seq) requires counties to form an interlocal agreement for the administration of multicounty materials management plans as of March 29, 2023. Accordingly, the following interlocal agreement (hereinafter "AGREEMENT") has been executed by the Board of Commissioners of Berrien, Cass, and Van Buren Counties (hereinafter collectively as "COUNTIES"), and the Southwest Michigan Regional Planning Commission (hereinafter "SWMPC"). The COUNTIES and SWMPC are collectively referred to throughout this AGREEMENT as the "PARTIES."

RECITALS

WHEREAS, The Michigan Constitution of 1963, Article 7, Section 28 permits a political subdivision to exercise jointly with any other political subdivision any power, privilege, or authority which such political subdivisions share in common with each other and which each might exercise separately;

WHEREAS, The Urban Cooperation Act of 1967, being MCL 124.505 et seq, and the Intergovernmental Transfer of Functions and Responsibilities Act, give effect to the Constitutional provision by providing that public agencies may enter into interlocal agreements to carry out their respective functions, powers and authority;

WHEREAS, Part 115 of P.A. 451 of 1994, being MCL 324.115 et seq, requires each County to have an approved Materials Management Plan regulate the disposition of solid wastes and waste diversion activities;

WHEREAS, Subpart 11 of Part 115 of P.A. 451 of 1994 requires each County Board of Commissioners, acting as County Approval Agency, to submit to the Department of Environment, Great Lakes, and Energy a Notice of Intent to prepare a Materials Management Plan;

WHEREAS, Subpart 11 of Part 115 of P.A. 451 of 1994 requires each County Approval Agency to enter into an AGREEMENT to develop a Multicounty Materials Management Plan, and designate the agency who will serve as the counties' Designated Planning Agency; and

WHEREAS, Subpart 11 of Part 115 of P.A. 451 of 1994 allows for the establishment of a Multicounty Materials Management Planning Committee, consisting of representatives from within the planning area established by the Notice of Intent.

NOW, THEREFORE, in consideration of the terms of this AGREEMENT, the PARTIES agree as follows:

1. PURPOSE

The purpose of this AGREEMENT is to provide for the development, administration, and implementation of a Multicounty Materials Management Plan meeting the requirements of Subpart 11 of Part 115 of Public Act 451 of 1994 (MCL 324.11571 et seq) and approved by the Department of Environment, Great Lakes, and Energy. The COUNTIES propose that SWMPC serve as the Designated Planning Agency for the development, administration, and implementation of a Multicounty Materials Management Plan. This Multicounty Materials Management Plan will encompass a planning area containing all the municipalities of Berrien, Cass, and Van Buren Counties in the state of Michigan. The COUNTIES agree to file a joint Notice of Intent to the Department of Environment, Great Lakes, and Energy as the County Approval Agencies for each county, with the coordination of SWMPC.

2. ADMINISTRATION OF AGREEMENT

This AGREEMENT shall be administered by SWMPC on behalf of the COUNTIES.

3. DESIGNATED PLANNING AGENCY RESPONSIBILITIES

SWMPC, acting as the Designated Planning Agency for the COUNTIES, shall have all the responsibilities as outlined in MCL 324.11574 et seq, including, but not limited to:

a. The preparation of a Multicounty Materials Management Plan for the planning area outlined in the AGREEMENT.

b. The administration of a Materials Management Planning Committee composed of representatives serving the planning area. Such committee will develop a workplan for SWMPC for the approval of the Department of Environment, Great Lakes and Energy, and direct SWMPC in the preparation of the Multicounty Materials Management Plan.

c. The communication of vacancies on the Planning Committee to each county for the solicitation of nominations.

d. The notification to the COUTINIES of required public notices, the retention of documents, the coordination of the Materials Management Planning Committee including per diem and mileage administration and distribution, communications to municipalities, and the requirements of a Materials Management Plan.

e. Notifications to each County Approval Agency regarding Plan development, the meetings of the Planning Committee, and Planning Committee vacancies.

f. Any additional items upon amendment of this Agreement.

4. RESPONSIBILITIES OF BERRIEN, CASS, AND VAN BUREN COUNTY BOARDS OF COMMISSIONERS

The COUNTIES of this AGREEMENT understand and agree that the planning area identified in this AGREEMENT will be required to meet the provisions outlined in MCL 324.115 et seq regarding the development and implementation of a Materials Management Plan coordinating the disposal, disposition, and diversion of solid wastes, recyclables, and compostable materials. The Materials Management Plan will outline the current capacity of existing facilities, develop goals to increase the utilization of potentially divertible materials, create a siting process for new facilities where local regulations are not applicable, and document an implementation strategy to meet the requirements of the law.

The COUNTIES in this AGREEMENT understand and agree that in utilizing SWMPC as the Designated Planning Agency throughout the term of this AGREEMENT to provide the following:

a. A current contact within each county for communication and submittals regarding the Materials Management Plan.

b. Provide, within a reasonable time frame, all approvals, communications, and documentation required by the Materials Management Plan process.

c. Copies of any applicable policies, procedures, or ordinances that the Designated Planning Agency may be subject to, and that may assist with the preparation and implementation of the Materials Management Plan.

d. Facilitate the Designated Planning Agency's solicitation of approvals of the legislative bodies of the municipalities within the planning area.

5. MATERIALS MANAGEMENT PLANNING COMMITTEE

There is hereby established a separate legal entity to be known as the "Southwest Michigan Materials Management Planning Committee" (hereinafter "Planning Committee") for the purpose of creating and administering the Materials Management Plan for the planning area. The Materials Management Planning

Committee is a permanent public body subject to Public Act 267 of 1976, the "Open Meetings Act" (MCL 15.261 et seq).

The COUNTIES in this AGREEMENT understand and agree each county may make appointments of residents or representatives of agencies serving the planning area to the Planning Committee. To assist the COUNTIES in making such appointments, the SWMPC will accept applications from residents and representatives of agencies serving the planning area and make appointment recommendations to the individual COUNTIES.

The SWMPC will ensure that appointment recommendations reflect a geographic representation and equal share between counties when possible. The membership of the Planning Committee shall consist of the following nominated members:

a. A representative of a solid waste disposal facility operator that provides service in the planning area.

b. A representative of a hauler that provides service in the planning area.

c. A representative of a materials recovery facility operator that provides service in the planning area.

d. A representative of a composting facility or anaerobic digester operator that provides service in the planning area.

e. A representative of a waste diversion, reuse, or reduction facility operator that provides service in the planning area.

f. A representative of an environmental interest group that has members residing in the planning area.

g. An elected official of a county.

h. An elected official of a township in the planning area.

i. An elected official of a city or village in the planning area.

j. A representative of a business that generates managed material in the planning area.

k. A representative of the regional planning agency whose territory includes the planning area.

Where an individual or representative of an agency recommended for appointment by the SWMPC resides within the respective county, that county shall make the appointment to the Planning Committee. That appointment may follow the procedures and requirements of the respective county. Initial appointments to the Planning Committee will consist of five-year terms.

When a vacancy on the Planning Committee occurs, SWMPC will notify the COUNTIES of the vacancy, and recommend the appointment of a representative that meets the requirements of the vacancy.

In addition, each county in the AGREEMENT may appoint two members without SWMPC's recommendation:

1. An elected official of the county or a municipality in the planning area.
2. A representative from a business that generates managed materials within the planning area.

These appointments will be required to complete the same application for the Planning Committee as all other applicants. Their applications will be passed through SWMPC to the county that the applicant serves or resides in. These applicants are subject to additional processes as determined by each County before being appointed.

The Planning Committee shall make and adopt bylaws and procedures for the conduct of its business, including the election of officers and the length of subsequent appointments meeting the provisions of MCL 324.11572. Per diems and mileage reimbursements for the Planning Committee Members will be distributed by SWMPC at the following rates: the highest per diem fee of the three Counties and mileage at the IRS standard mileage rate.

The Planning Committee will develop a Materials Management Plan meeting the provisions of MCL 324.11578 et seq and the requirements of the Department of Environment, Great Lakes, and Energy. Upon the completion of the plan, the Planning Committee will submit the document to each County Board of Commissioners for approval.

6. MATERIALS MANAGEMENT PLAN APPROVALS

The COUNTIES in this AGREEMENT, acting in their capacity as County Approval Agencies, may approve or deny the Materials Management Plan. If approved, each county will submit its written approval or minutes of the meeting where a motion was passed to the Planning Committee, the Designated Planning Agency, and the other counties. If rejected, a county will communicate in writing its objection and any suggestions for changes to the Planning Committee, the Designated Planning Agency, and the other counties.

The COUNTIES in this AGREEMENT may initiate one or more amendments to the Materials Management Plan upon the approval of the Materials Management Planning Committee and the submission of a Notice of Intent to the Department of Environment, Great Lakes, and Energy by SWMPC. SWMPC will facilitate the amendment process and approvals.

7. DESIGNATED PLANNING AGENCY COMPENSATION

The COUNTIES in this AGREEMENT will pay for the reasonable costs incurred by the SWMPC in serving as the Designated Planning Agency, including, but not limited to, the costs of developing and administering the Materials Management Plan process, the administration and meetings of the Materials Management Planning Committee, and the ongoing implementation and reporting required by the Department of Environment, Great Lakes, and Energy. Compensation, including payment terms and fee structure, payment responsibility, cost reimbursement, as well as any other appropriate terms as provided in the attached contract. SWMPC has the right to request additional funding for work not outlined in the compensation structure (i.e. funding to facilitate plan amendment activities in a non-planning year).

8. TERM

Unless earlier terminated as provided herein, the term of this AGREEMENT will be three (3) years commencing from the date of its execution. The rights and privileges, together with all the other provisions of this AGREEMENT, will automatically continue in full force for five (5) additional periods of one year each from the date of expiration, unless either party gives notice to the others in writing at least sixty (60) days prior to the annual date of expiration that it does not desire the AGREEMENT to extend for an additional period.

9. AMENDMENT

The PARTIES may amend this AGREEMENT only by a written document signed by all parties.

10. TERMINATION

Any party may terminate this AGREEMENT, with or without cause, at any time upon sixty (60) days prior written notice to each other party. The COUNTIES of this AGREEMENT agree and understand that the termination of this AGREEMENT by one or more counties may disqualify the whole from meeting the requirements of MCL 324.115 et seq.

In the case of termination by one or more counties representing the minority of the whole, the terminating county(ies) understand(s) that they will assume all the responsibilities outlined in the AGREEMENT required by MCL 324.155 et seq. SWMPC reserves the right amend the compensation agreement to close any funding gap. SWMPC also reserves the right to not act as the Designated Planning Agency for a county no longer subject to this AGREEMENT.

11. INDEMNIFICATION

To the extent allowed by law, each County and the Southwest Michigan Planning Commission agree to indemnify, defend, and hold harmless the others from any and all claims, liabilities, judgements, costs, damages, expenses, and attorney fees that may arise from the performance under this AGREEMENT. This indemnification will survive the termination or expiration of this AGREEMENT. By entering into this AGREEMENT, the PARTIES do not waive any immunities provided by law.

12. SEVERABILITY

Each provision of this AGREEMENT must be interpreted in a way that is valid under applicable law. If any provision is held invalid, the rest of the AGREEMENT will remain in full effect.

13. ENTIRE AGREEMENT

This AGREEMENT and any addendums contain the entire understanding between the PARTIES.

14. HEADINGS

The headings preceding the paragraphs are inserted in this AGREEMENT for reference purposes only and must not be used to interpret this AGREEMENT.

IN WITNESS WHEREOF, the PARTIES have executed this AGREEMENT this _____ day of _____, 2024.

_____	_____
Executive Director Southwest Michigan Planning Commission	Date
_____	_____
Chair, Board of Commissioners Berrien County	Date
_____	_____
Chair, Board of Commissioners Cass County	Date
_____	_____
Chair, Board of Commissioners Van Buren County	Date

CASS COUNTY
BOARD OF COMMISSIONERS

To: Board of Commissioners

From: Matthew Newton, County Administrator

Re: L-4029 Tax Rate Request

REQUEST:

Approve for Truth-In-Taxation Public Hearing and 2024 Tax Rate Request to be added to the June 6, 2024 Regular Meeting Agenda.

BACKGROUND:

Annually, the County must submit its Tax Rate Request to the Department of Treasury. Equalization Director Stewart is working to finalize the report and the resolution that will need to be adopted at the June Regular Meeting. Those documents will be distributed early next week in advance of the meeting. They will illustrate the various approved millages and the associated calculations with respect to Headlee & MCL 21.34 Rollback Computations. For this year, a Truth-In-Taxation Public Hearing will be required to be held. Following the Public Hearing, the 2024 Tax Rate Request may then be approved.

Due to timing, it is critical that this be approved for the June 6th meeting to comply with requirements for submission.

REVIEWS:

Prior to submitting this request, this agenda item was reviewed by all impacted departments noted below: (Ex: Administration, Maintenance, HR, and IT)

Equalization, Administration

FINANCIAL ANALYSIS:

The Truth-In-Taxation Hearing and Approval of the 2024 Tax Request will set the Operating Millage for FY 25.

RECOMMENDATION

Motion to hold a Truth-In-Taxation Public Hearing at the June 6th Regular Meeting and for the 2024 Tax Request to be added to the Consent Agenda of the June 6th Regular Meeting.

CASS COUNTY
BOARD OF COMMISSIONERS

To: Board of Commissioners

From: Jodi Nestich, IT Director

Re: Law & Courts Camera System Upgrade

REQUEST:

Approval of the purchase of the upgrades needed to the camera system at the Law & Courts Building.

BACKGROUND:

The camera system at the Law & Courts Building is at the end of its useful life. The necessary upgrades have been researched and the cost is $60,825.17 to install the updates that are needed. We have applied for and received a grant from Michigan Municipal Risk Management Authority (MMRMA). Half of the total quoted amount for the project will be reimbursed under the grant. To receive the grant funding the project must be completed by September 30, 2024. The approval of funding must be done soon to meet this deadline.

The Capital Projects Committee will meet in advance of the Board of Commissioner meeting and will offer any feedback or recommendation at the Committee of the Whole Meeting.

REVIEWS:

Prior to submitting this request, this agenda item was reviewed by all impacted departments noted below: (Ex: Administration, Maintenance, HR, and IT)

Administration, IT

FINANCIAL ANALYSIS:

The projected cost of the project is $60,825.17. In addition, 10% of the total project cost, equaling $6,825.00, is requested for contingency purposes. The county will be reimbursed $30,413.08 for a net project cost of 37,237.09 including contingency. We propose the funding be provided by the Public Improvement Fund.

RECOMMENDATION

Motion to add the Law & Courts Camera System Upgrade Project to the Consent Agenda of the June 6th Regular Meeting.

QUOTATION: 25223
Communication Company
5320 South Main Street
South Bend, IN 46614
Phone 574-299-0020

Job Name:	Cass County Law and Courts Building - CCTV Upgrade	Presented By:	Charles Sawyer
Job Street Address:	60296 M-62	Title:	Contractor Sales Consultant
City, State, Zip:	Cassopolis, MI 49031	Phone, ext:	(574)993-0046
Customer:	Cass County Law and Courts Building	E-Mail:	csawyer@communication-co.com
Name and Title:	Jodi Nestich	Date:	October 27, 2022
Ph. / Fax:	269-506-5836 cell		

Project Goal and Scope of Work

- CCTV System - Installed

This proposal is the camera system upgrade discussed during our site meeting of 10/18/2022. During this meeting we discussed the replacement of the exiting DVR, the replacement of the existing cameras and the addition of new cameras. A floor plan drawing showing camera locations was provided by the owner to Communication Company during this meeting.

The intent is the replace the DVR presently located in the basement inside room B07B, a new NVR will be installed in the existing rack calculated to provide 30 days of storage, recording on motion, and providing a recording rate of 15fps. A POE switch and patch panel is also included and shall also be installed within this same rack.

The existing cameras located in the basement areas remain on the existing coax cables with final terminations within in basement room B07B. These camera will be replaced with new dome type camera and will be terminated using converters. All new basement cameras will include a new dome type camera and the installation of new Cat 6e network cables, all with a final terminations within the same basement rack located in Rom B07B.

The existing cameras located on the first floor are also to remain on the existing coax cable with final terminations within the basement room B07B. These cameras will be replaced with new dome cameras and will terminate using converters. All new first floor cameras will include dome type cameras and the installation of new Cat 6e network cables, all with a final termination within the first floor IT data room 1142. Two POE switches along with a patch panel will be installed in the existing rack inside room 1142.

The four existing cameras located on the front of the building viewing the parking area will be replaced with new cameras, the existing cable shall be replaced with new Cat 6e cable with final terminations being the first floor IT room 1142.

The two cameras inside elevator 1E1 and 1E2 are to remain in place and are not replaced under this scope of work, existing cables shall also remain, converters are provided and will be installed under this scope of work.

A new camera at the basement location outside the garage is included within this scope of work, the customer stated during the site visit, this camera view is to include the man door to the south, the three man doors to the east and the garbage dumper located in the parking area to the southeast. To assist in saving cost we have included only one camera for this location, the camera view will need to be confirmed with the customer at the time of installation, any additional camera needed will be considered a change to the scope of work.

All camera locations provided by customer, any additional camera or system hardware required to enhance system coverage shall be considered a change to the scope of work.

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As noted, the existing coax cables are to remain, all other camera locations mentioned above are to be new Cat 6e network cabling. Per the customer the installation of that cabling, we are allowed to use existing cable trays and other existing penetrations that are used for low voltage. Any new penetrations crossing fire or smoke partitions will be installed using a conduit sleeve and fire caulk,

Engineering Clarification Notes:

Basement Cameras

1. The Indoor Camera outside of Room B02 **Shall** be replaced with a new **4MP Camera** and existing Coax to remain with Converters added.
2. The Outdoor Camera outside of Room B03 **Shall** be replaced with a new **8MP Camera** and existing Coax to remain with Converters added.
3. The Outdoor Camera in Sally Port **Shall** be replaced with a new **4MP Camera** and existing Coax to remain with Converters added.
4. The Outdoor Camera between Sally Port and corridor B02 **Shall** be replaced with a new **4MP Camera** and existing Coax to remain with Converters added.
5. The Two Indoor Cameras in BC1 Corridor **Shall** be replaced with a new **4MP Camera** and existing Coax to remain with Converters added.
6. The Indoor Camera outside of Stairwell BS3 **Shall** be replaced with a new **4MP Camera** and existing Coax to remain with Converters added.
7. The Outdoor Camera outside of the Sally Port **Shall** be added, a New **8MP Camera** and Cat6 shall be ran to IT closet B07B.
8. The Inoor Camera in Corridor B02 **Shall** be added with a new **4MP Camera** and NEW Cat6 shall be ran to IT closet B07B.
9. The NVR SHALL be installed in the existing Rack.
10. One New Indoor **4MP** Camera shall be added outside of room 1C5A and New Cat6 ran to IT closet 1142.
11. The NVR shall be installed in the existing Rack.
12. A Sixteen port POE switch shall be installed in the existing Rack.
13. A Patch Panel shall be installed in the existing Rack.

First Floor Cameras

1. The Two Elevator Cameras shall remain and the existing cable to remain with a converter added.
2. The Camera outside of room 1163 shall be replaced with a new **4MP** Camera and the existing coax shall be reused with a converter added.
3. The Camera in corridor 1162 shall be replaced with a new **4MP** Camera and the existing coax shall be reused with a converter added.
4. The Camera in Elevstor Lobby 1180A shall be replaced with a new **4MP** Camera and the existing coax shall be reused with a converter added.
5. The Two Outdoor Cameras outside of room 1118 **Shall** be replaced with a new **8MP Camera** and New Cat6 ran to IT closet 1142.
6. The Two Outdoor Cameras outside of room 1148A **Shall** be replaced with a new **8MP Camera** and New Cat6 ran to IT closet 1142.
7. One New Outdoor **8MP** Camera shall be added outside of room 1128 and New Cat6 ran to IT closet 1142.
8. One New Outdoor **4MP** Camera shall be added outside of corridor 1C1A and New Cat6 ran to IT closet 1142.
9. One New Outdoor **8MP** Camera shall be added outside of room 1145 and New Cat6 ran to IT closet 1142.
10. One New Indoor **4MP** Camera shall be added outside of room 1C4A and New Cat6 ran to IT closet 1142.
11. One New Indoor **4MP** Camera shall be added in corridor 1160A and New Cat6 ran to IT closet 1142.
12. One New Indoor **4MP** Camera shall be added in room 1161 and New Cat6 ran to IT closet 1142.
13. One New Indoor **4MP** Camera shall be added in room 1167 and New Cat6 ran to IT closet 1142.
14. One New Indoor **4MP** Camera shall be added outside of room 1138 and New Cat6 ran to IT closet 1142.
15. One New Indoor **4MP** Camera shall be added in room 1168B and New Cat6 ran to IT closet 1142.

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16. One New Indoor **4MP** Camera shall be added outside of room 1174A and New Cat6 ran to IT closet 1142.
17. One New Indoor **4MP** Camera shall be added in corridor 1177A and New Cat6 ran to IT closet 1142.
18. One New Indoor **4MP** Camera shall be added outside of room 1C5A and New Cat6 ran to IT closet 1142.
19. One New Indoor **4MP** Camera shall be added in room 1178 and New Cat6 ran to IT closet 1142.
20. One New Indoor **4MP** Camera shall be added outside of room 1190 and New Cat6 ran to IT closet 1142.
21. One New Indoor **4MP** Camera shall be added outside of room 1231 and New Cat6 ran to IT closet 1142.
22. One New Indoor **4MP** Camera shall be added outside of room 1219 and New Cat6 ran to IT closet 1142.
23. One New Indoor **4MP** Camera shall be added outside of room 1215 and New Cat6 ran to IT closet 1142.
24. One New Indoor **4MP** Camera shall be added outside of room 1195 and New Cat6 ran to IT closet 1142.
25. Two Sixteen port POE switches shall be installed in the IT closet 1142.
26. A Patch Panel shall be installed in the IT closet 1142.

Communication Company to Provide:

- Submittals
- Installation/Record drawings
- System engineering
- Project management
- Panel terminations
- System programming
- System testing
- User training
- Wire
- Wire installation
- Installation of all cabinets
- Installation of all devices
- Wire all power supplies
- Test all Circuits for faults
- As-Built drawings

Provided by Owner:

1. Racks
2. Data drops to equipment
3. Remote PC and Monitor for viewing
4. Camera Labels Info Prior to Installation
5. Access Level Info Prior to Installation
6. All AC Power

System Components

QTY	Manufacturer	DESCRIPTION
1.00	OVS	OVS NVR 4U Rack 4Bay: 250GB Solid State drive,32TB aluminum front, 4 Hot Swap hard drive bays included.
36.00	OVS	One Video IP license for OVS enterprise NVR software
2.00	OVS	H.264/MPEG4/MPEG2/MJPEG encoding standards supported Support encoding video at up to 4CIF resolution
1.00	OVS	LED Backlight 22inch Wide HDMI DVI VGA1920x1080 50000000:1 5ms

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23.00	OV Solutions	SMOKE cover: Indoor: 4MP HD Light Hunter IR Fixed Dome Network Camera 4MP (2688*1520) @ 30/25fpsIK10 van
2.00	OVS	SMOKE 8MP Dome, 2.8mmDay/night functionality, * Smart IR, up to 30 m (98 ft) IR distance, * 2D/3D DNR
8.00	OVS	SMOKE 8MP Dome, 2.8mmMP HD Intelligent IR Fixed Dome Network Camera High quality image with 8MP, 1/2
8.00	OVS	Fixed Dome Outdoor Wall Mount With extra back outlet box for cable
3.00	OVS	SMOKE 5MP Dome 2.8-12mm VF, WDR, IR NetworkCameraSensor1 /2.7', 5.0-megapixel, progressive scan, CMO
3.00	OVS	wall installation for IPC363X and IPC36XXS/E series fixed dome (Extra back outlet) DimensionsF 125mm*12
3.00	OVS	Network TEF1218P-16-250W 16PT 10 100Mbps2xGigabit Web Smart PoE SWT RTL
10.00	OVS	Camera Side: Convert existing or new Coax to IP transmission. Long Distance: 1800 feet. Sold as a p
10.00	OVS	Network Side: Convert existing or new Coax to IP transmission. Long Distance: 1800 feet. Sold as a
1.00	OVS	Rack mount 1U to hold IPC-600P and IPC-600PF units
3.00	OVS	TRENDnet 24-Port Cat5-5e RJ-45 UTP Unshielded Patch Panel, Wall mount or Rackmount, 100Mhz, Color-Cod
1.00	CADDY	1-5/16 j-hook
1.00	Appleton	BH500 BEAM CLAMP
4.00	Windy City Wire	CAT 6E Cable (Purple)
45.00	Windy City Wire	3' Patch Cord (Purple)
2.00	Windy City Wire	RJ45 Connectors (50)
1.00		Submittal Closeout Documentation
1.00		CAD
1.00		Engineering Services
1.00		Head End Installation
1.00		Cable Pull
1.00		Field Device Installation
1.00		Training Services
1.00		Project Management Services
1.00		Programming Services Panel
1.00		Installation Services Testing
1.00		Warranty
1.00		Freight

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System Pricing

Sub Total:	$60,825.17
Tax:	$0.00
Total:	$60,825.17

Terms and Conditions:

- The signing of this proposal declares Communication Company may proceed with the stated project and that the owner or owner's representative agrees to the scope of work and terms and conditions of this proposal. If your company requires a valid purchase order number prior to commencing work, please submit with signed proposal.
- All equipment installation, terminations, and testing is scheduled during standard business hours, Monday through Friday from 7:00am until 3:30pm. Any worked performed beyond normal hours at the request of the owner or owner's representative will incur added expense which the owner will be responsible for.
- Customer will provide reasonable access to each location to allow an uninterrupted work schedule during the standard workday. If during a scheduled working day our technician is required to suspend work due to the owner or owner's representative's request, an additional charge will occur at the owner's expense.
- Pricing is based on all internal walls free and clear of any obstructions or support which may hinder fishing cable. We have performed a reasonable evaluation to determine costs associated with this project. If during the course of implementing the solution we come across a situation that could not have been foreseen prior to providing pricing, then a change order may be required to continue the install.
- Pricing is based on the quantities and product listed in this proposal if product, quantities or jobsite conditions vary pricing will change.
- Pricing does not include any costs associated with tenting, or asbestos removal for infection control unless explicitly stated in the CCSB Responsibilities above.
- Pricing does not reflect any phasing of the project. Our pricing is based on the information provided to us and does not include any interruptions to the schedule.
- All conduits, terminal cabinets, back box installation and any 110VAC are the responsibility of the owner's choice electrical contractor.
- All 110VAC should meet the NFPA 99 code for Life Safety, Critical, and General branch circuits
- All network electronics to be provided and installed by customer.
- This proposal does not include or warranty the condition of the customer's existing equipment or version of software.
- This proposal does not include any costs associated with permits which may be required. Any required permits are the responsibility of the owner.
- Price valid for sixty (60) days.
- Net 30 Days.
- F.O.B. Destination.
- Initial billing of 20% will be done upon contract acceptance.
- Progressive off site billings are done as debt is incurred by Communication Company.
- Communication Company guarantees all prices for 60 days.
- All change orders must be written and signed by the owner or owner's representative.
- Restocking received material within 30 days of receipt will reflect a minimum restocking charge of 30% if available from manufacturer for return.
- All programming requests must be in writing and approved by owner or owners representative and additional charges may apply.
- Prices shown do not include sales tax or any taxes imposed on the sale of goods. Buyer agrees to reimburse seller of any such tax or furnish tax Exempt number and or certificate.
- Auto Cad files furnished in electronic format to CCSB for modification at no additional cost.

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Phone 574-299-0020

Warranty:

Communication Company of South Bend, Inc. warranties the quality of the workmanship for a period of one year after final installation. We honor the original manufacturer's equipment warranty for up to twelve months after installation. All services performed during the warranty period are during normal business hours of between 7:00am and 3:30pm EST. Equipment hardware or software modified, added to or serviced by a technician other than a Communication Company employee voids all warranties associated with system. Damage through misuse, abuse, or acts of God shall not be subject to this warranty. Communication Company is not responsible for loss of customer content. Extended warranties beyond our standard warranty are available upon request.

By the signing of this proposal or the issuance of a purchase order the above listed customer is in agreement with this proposal in its entirety.

Customer Representative (Print Name) _____.

By (Signature):_____Date :_____.

Title: _____.

MICHIGAN MUNICIPAL
RISK MANAGEMENT
AUTHORITY

March 11, 2024

Jodi Nestich
Cass County
60296 M-62
Cassopolis, MI 49031

RE: Grant Funding – Requirements for Reimbursement

Dear Ms. Nestich,

I am pleased to inform you that the Risk Avoidance Program (RAP)/Certification and Accreditation Program (CAP) application for your CCTV Upgrade project was approved. The Membership Committee authorized 50% funding up to a maximum of $30,413.08 for your project.

RAP/CAP funds are issued on a reimbursement basis. Payment will be based upon verification received from Cass County of their payment of the project in full. Please see the attached **RAP/CAP Grant Reimbursement Procedure** for guidelines on processing your grant payment.

Such documentation is needed in order to verify that the grant allotted is being used for the project described in your application. If your application submission contained the above referenced documentation, please contact MMRMA.

Payment of RAP/CAP funds is contingent upon Cass County remaining a member of MMRMA and in compliance with the Joint Powers Agreement. Your approved grant reimbursement is valid for six months from the date of this letter. **GRANT EXPIRATION: 09/30/2024.**

Sincerely,

Cara L. Ceci

Cara Ceci, ARM, CPCU
Member Resources Manager

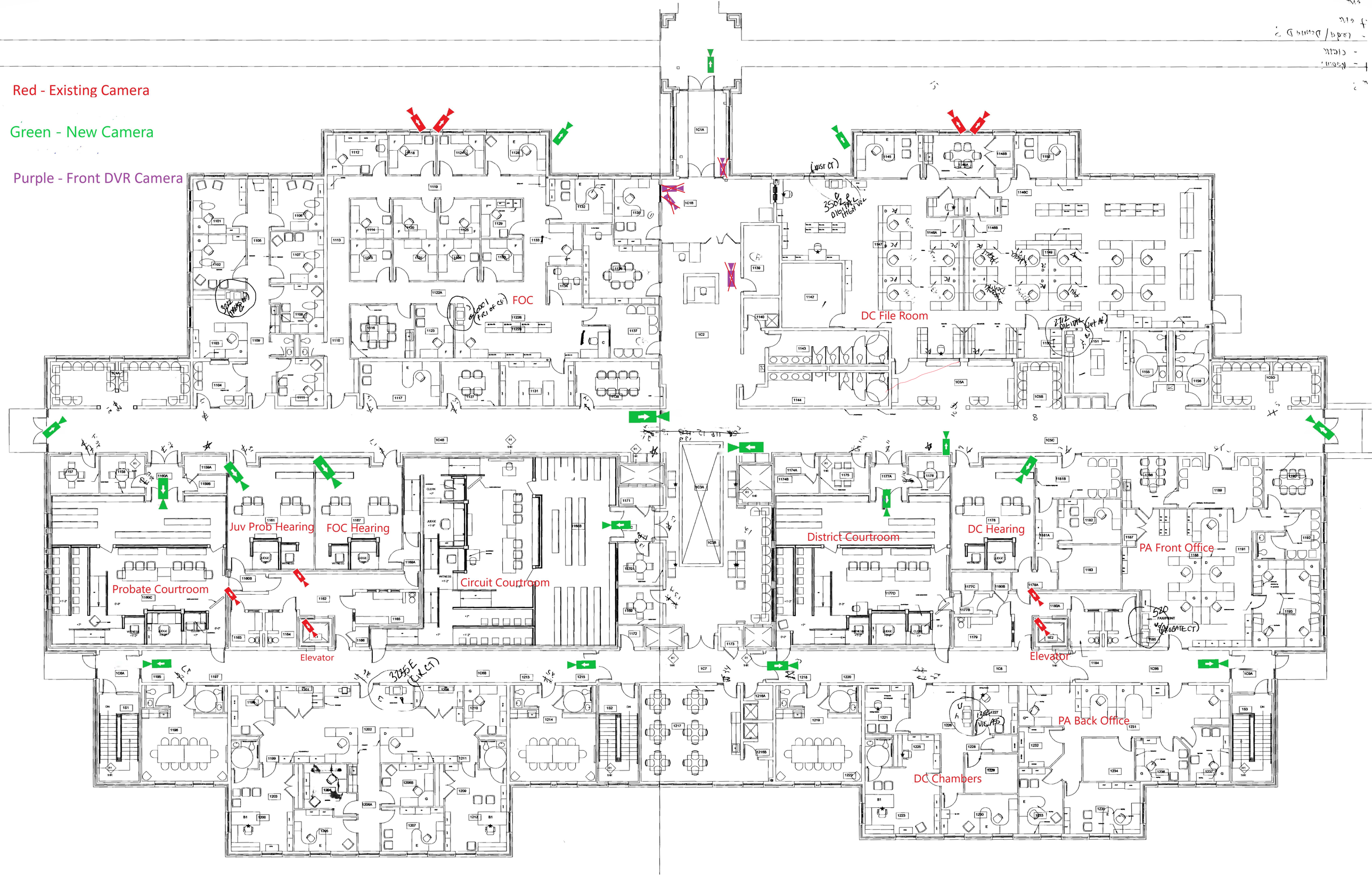
CC/sp

cc: Jennifer Rentfrow
MMRMA Risk Manager

Red - Existing Camera

Green - New Camera

Purple - Front DVR Camera



UNEXCAVATED
LLR1
LLR1 LLR2
LLR2 LLR1
Stairs
Sally Port
Stairs
Stairs
LLR1-3 & 7
(2) 120V, 1PH CIRCUITS
FOR CONTROLS & ELEV. CABIN LTG
SEE DWG. E1.1
LLR1-4 & 8
(2) 120V, 1PH CIRCUITS
FOR CONTROLS & ELEV. CABIN LTG
SEE DWG. E1.1
FAN VAR SPEED
MANUAL SWITCH
TO LLR1-16
FOR MOTORIZED
DAMPER
TO PNL. 'LLR1'
CKTS. #1,3,5,7,9,11
8#10+1#12(GND), 1"C
TO PNL. 'LLR1'
CKTS. #2,4,6,8,10,12
8#10+1#12(GND), 1"C
TO PNL. 'LLR1'
CKTS. #14,16
3#12+1#12(GND), 3/4"C
TO PNL. 'LLR1'
CKTS. #13,15,17,19,21,23
8#10+1#12(GND), 1"C
BOILER
POWER VENT
(TYP. FOR 3)
MOTORIZED SHUTTERS
FURNISHED WITH
FAN (INTERLOCKED
WITH FAN MOTORS)
EF-5 & EF-7 MANUAL
CONTROL SWITCHES
WITH PILOT LIGHT
SWITCHBOARD
SWBD-A
TO LLMCC-1
TO LLP1
TO LLR2
LLR1-5
LLR1-15
LLR1-21
LLR1-16
LLR2-22
LLP1-19
LLMCC-1
MOTORIZED
DAMPER
FAN VAR SPEED
MANUAL SWITCH
STORAGE
RECORDS
STORAGE
ELEV.
EQUIP
PRISONER
ELEVATOR
ELECTRICAL
ROOM
TELEPHONE
ROOM
GARAGE
STOOP
STAIRS
RECORDS
STORAGE

CASS COUNTY
BOARD OF COMMISSIONERS

To: Board of Commissioners

From: Matthew Newton, County Administrator

Re: Opioid Settlement Funding Application

REQUEST:

Approve the Opioid Settlement Funding Request from the Cass County Jail be added to the June 6th Regular Meeting.

BACKGROUND:

In March, the Board of Commissioners approved the Opioid Settlement Funding Plan. The plan provided for non-crisis funding of $50,000.00 and $100,000.00 of emergency or crisis response funding during FY 24. Any approved requests will be paid out via the Opioid Settlement Fund. The Cass County Jail has a program in partnership with Woodlands Behavioral Health Network and Cass County Treatment Court to operate an in-custody Medication-Assisted Treatment (MAT) Program to help those with opioid and alcohol use disorders and begin or continue their recovery.

Of the three medications most commonly used for substance-use disorders, it was noted that Naltrexone (Vivitrol) is the one that they are unable to adequately provide due to the cost. As a result of that lack of access, many individuals who are eager to leave custody with the safeguards that the medication provides are not able to do so.

The Funding Request, if approved, would provide for 10 doses of Vivitrol to be acquired at a price of $1,321.69 per unit and utilized in the program as described above.

Per the adopted Opioid Settlement Funding Plan, the proposal was reviewed and scored by the County Administrator, Finance Director, Opioid Settlement Advisory Committee Chair, and Opioid Settlement Advisory Committee Vice-Chair. The proposal was unanimously recommended for approval and the scoring rubric that was used to determine this is provided.

REVIEWS:

Prior to submitting this request, this agenda item was reviewed by all impacted departments noted below: (Ex: Administration, Maintenance, HR, and IT)

Opioid Settlement Advisory Committee Review Committee, Administration

FINANCIAL ANALYSIS:

The proposal is a request for funding of $13,216.90 to be paid for via the Opioid Settlement Fund.

RECOMMENDATION

Motion for approval of the Opioid Settlement Funding Request for the Cass County Jail MAT Program be added to the Consent Agenda of the June 6th Regular Meeting.

Cass County Opioid Settlement Funds
Request for Funding
Application

To Be Completed by Applicant

(attach additional sheets of paper in response to any question as necessary):

1. Applicant Information	
Applicant Name	Cass County Sheriff's Office - Jail Division
Street Address	321 M-62 N. Cassopolis, MI 49031
Email Address	rickb@cassco.org
Phone Number	(269) 445-1201
If Organization is the Applicant, the Name of the Project Director	Jon Shoup - Jail Administrator
If Organization is the Applicant, the Name of the Authorized Representative (who signs the application and award contract)	Sheriff Richard J. Behnke
Signature of Authorized Representative (if Organization is the Applicant)	Richard J. Behnke
Date	4/23/24

2. Applicant Description

The Sheriff's Office, in partnership with Woodlands Behavioral Health Network and Cass County Treatment Courts, operate an in-custody Medication-Assisted Treatment (MAT) program to help those with opioid and alcohol use disorders to begin or continue their recovery. While medication is often part of the individualized treatment plan, the program also includes access to recovery groups, peer support, pre-release engagement with community providers, and post-release support utlizing Cass Family Clinic, Carol's Hope, Harbortown Treatment Center & Bear River, among others. The Cass MAT program does not restrict access to underserved populations due to their financial status or access to health insurance, both of which are significant obstacles to recovery.

3. Is this funding request for an emergency or crisis response or a regular request? (attach details as to the exact nature of the emergency/crisis)

No.

4. Description of what the funding is sought for including details of the need for the funds and what outcome is being sought with the use of the funds (use attachments as necessary)

Of the three medications most-commonly used to treat substance use disorders, Naltrexone (Vivitrol) is the one that we are unable to adequately provide due to the cost. As a result of our lack of access to Naltrexone, many individuals who are eager to leave custody with the safeguards that this medication provides are denied the opportunity.

5. Populations Served/Target Population and Geographic Area Served

This medication will serve individuals with substance use disorder in the Cass County jail, however, the benefits of the treatment will extend into the community as these men and women leave custody better equipped to be productive members of their family and the community.

6. Data to Support Need for Project (if available)

1) The risk of overdose for those recently released from jail or prison are 10-fold compared to the general population. Source: Bureau of Justice Statistics.
2) In 2020, deaths from opioid overdose were nearly double those from auto accidents. Source: CDC & NHTSA.
3) Each dollar invested in addiction treatment reduces drug-related crime, theft, and

7. Proposed timeline (use attachments as necessary)

We recently procured the maximum amount of free sample doses (5 units) allowed from the manufacturer which, based on our past data and remaining supply, should be exhausted by June or early July.

8. Details regarding Funded Activities (use attachments as necessary)

Activity/Activities	Desired Outcomes	Timeline
e.g. media campaign about Naltrexone	Increase awareness	2 months
Funds will provide a quantity of Naltrexone sufficient to meet the needs of those placed under our supervision.	Increased recovery rates & decreased recidivism.	Appx. 8 months

9. Success – How will success be measured?

By the increased number of substance-addicted program participants who will receive the medication prior to release from jail.

10. Sustainability – How will the project be sustained after funding cycle?

There are currently no viable solutions to provide this medication other than outside funding. However, as Michigan's prisons were allocated $11 million for in-custody MAT in the 2023-2024 budget ($2.5 million from Opioid Settlement Funds), we are hopeful that the State will eventually make funds available for local corrections facilities, as Indiana has done since 2020.

11. Budget – Total amount requested	**$** 13,216.90

12. Budget Documentation—attach a breakdown of exactly how the requested funds will be used.

Ten (10) doses of Vivitrol at the discounted price of $1,321.69 per unit.

13. If new, is the project evidence-based or based on promising practices? (Check one and provide link to information on evidence base)	X - Yes __ - No Link: https://onlinelibrary.wiley.com/doi/full/10.1111/ajad.13151

14. Attachments – Supporting Documents	• Resume and/or biography of project director • Budget itemization with narrative of details regarding each expenditure • Any other attachments that will provide a more complete picture of the funding requested • Letters of support from partner organizations (optional) • Materials demonstrating experience, organizational impact and/or commitment to addressing the drug overdose epidemic (optional)

Resources

- Principles for Spending
  - Principles for the Use of Funds From the Opioid Litigation
- Evidence-Based Strategies and Promising Practices
  - Evidence Based Strategies for Abatement of Harms from the Opioid Epidemic
  - Evidence-Based Strategies for Preventing Opioid Overdose: What's Working in the United States
- Local data
  - Michigan Overdose Data to Action Dashboard
    - Data on overdose deaths, emergency department visits and emergency medical services (EMS) calls and Substance Use Vulnerability Index
  - Michigan Department of Health and Human Services Opioids Webpage - EMS Responses
    - "Public Use Dataset EMS Responses to Probable Opioid Overdose", found under "Overdose Reports"
  - Michigan Substance Use Disorder Data Repository (SUDDR) and Data Visualizations
    - Suspected fatal overdoses and emergency medical services naloxone administration data
  - University of Michigan Injury Prevention Center System for Opioid Overdose Surveillance (SOS)
    - County-level data on overdose deaths, emergency department visits and emergency medical services (EMS) calls
  - Overdose Detection Mapping Application Program (ODMAP)
    - Near real-time tracking of fatal and non-fatal overdoses and naloxone administration by public health and public safety
  - Wayne State University's School of Social Work Center for Behavioral Health and Justice Dashboard
    - Customizable dashboard that shows multiple topics including, behavioral health, public health, criminal justice, housing, demographic and other data
  - Data and information may also be accessed through local communities within health departments, prevention coalitions, harm reduction providers, behavioral health providers, recovery support providers and other groups.

Funding Priorities	Possible	Evaluator # 1	Evaluator # 2	Evaluator # 3	Evaluator # 4	Average
Serving individuals and families impacted by opioid use with a connection to Cass County leveraging wrap around community supports	1.0	1.0	1.0	1.0	1.0	1.0
Investing in youth prevention	0.5	0.0	0.5	0.5	0.0	0.3
Focusing on racial equity	0.5	0.5	0.5	0.0	0.5	0.4
Impacting Underserved Populations	0.5	0.5	0.5	0.5	0.5	0.5
Addressing Unmet Community Needs	0.5	0.5	0.5	0.5	0.5	0.5
Partnering with other counties or other county service providers to leverage a greater outcome impact	1.0	1.0	1.0	1.0	1.0	1.0
Funding Requirements						0.0
Plan to utilize funds within the associated fiscal year	1.0	1.0	1.0	1.0	1.0	1.0
Plan to ensure utilization of funds supplements, rather than supplants, existing funding	1.0	1.0	1.0	1.0	1.0	1.0
Plan to ensure all funds are used in alignment with Exhibit E and the definition of opioid remediation	1.0	1.0	1.0	1.0	1.0	1.0
Ensure indirect costs, if any, do not exceed 5%	1.0	1.0	1.0	1.0	1.0	1.0
Plan to provide data on funded outcomes and impacts as directed by Cass County	1.0	1.0	1.0		1.0	0.8
Timeline for expenditure of funds	1.0	1.0	1.0	1.0	1.0	1.0
TOTAL	**10.0**	**9.5**	**10.0**	**8.5**	**9.5**	**9.4**

CASS COUNTY
BOARD OF COMMISSIONERS

To: Board of Commissioners

From: Policy Committee

Re: Policy Updates/Revisions

REQUEST:

Approve for the Conflict-of-Interest Policy, Commissioner Mileage Policy, Boards & Commissions Per Diem & Mileage Policy, and Board & Commissions Per Diem Rate Resolution be added to the June 6th Regular Meeting.

BACKGROUND:

The Policy Committee met on May 9th. The Committee has recommended the approval of three policies for BOC consideration at the Committee of the Whole. These include the Elected Official & Chief Deputy Salary Policy, Commissioner Mileage Policy, and Boards & Commissions Per Diem & Mileage Policy.

The Elected Official & Chief Deputy Salary Policy was previously reviewed at the Committee of the Whole in February. It was referred to the Committee for further refinement and revision. The Committee, working with the County Attorney and Elected Officials has completed that process and is recommending the BOC move forward with the updated version attached here. The main purpose of the Policy is to codify that the salaries of Chief Deputies may not be reduced during a term of office, irrespective of staffing changes or other conditions. It allows for increases to occur as the BOC may see fit. The Policy Committee recommends that the Salary Committee review the Policy, if adopted, and determine the best path forward with respect to the method of setting pay for Chief Deputies, be that continuing with the use of a wage scale or being handled in the same manner as Elected Officials. It also anticipated that this matter will be reviewed in any future Class Compensation Study as well.

The Commissioner Mileage Policy revises the previously titled, “Commissioner Per Diem & Mileage Policy” to reflect the actions taken under R-188-22. Under that resolution, an increase in base salary was adopted for the Board of Commissioners in connection with the elimination of payment of per diems or any milage in-county. As such, the revised Policy reflects the current conditions in providing for mileage reimbursement for Commissioners for out-of-county travel only when on county-related business.

The Boards & Commissions Per Diem and Mileage Policy was also revised. The need for revision was because this policy was tied to that of the previous Commissioner Per Diem & Mileage Policy. This is a major factor in why the Commissioner Policy has yet to be revised. The only change here is that the Boards & Commissions Per Diem & Mileage Policy (note, applicable only to members of boards, commissions, and authorities subject to appointment by the Board of Commissioners and excluding Commissioners), is that the Per Diem rate will be established an annual basis at the Organizational Meeting. As we are already passed the Organization Meeting for 2024, a resolution is attached here that will set the 2024 Per Diem Rate for the remainder of the year and includes language that a new resolution will be adopted at the January 2025 Organizational Meeting. The draft resolution includes the current Per Diem Rate that has been in effect. If desired, a discussion could be held on whether to continue with that rate or if any adjustment would be requested.

REVIEWS:

Prior to submitting this request, this agenda item was reviewed by all impacted departments noted below: (Ex: Administration, Maintenance, HR, and IT)

Policy Committee, Administration

FINANCIAL ANALYSIS:

Generally, the policies noted above do not have a financial impact. The noted exception would be that if there were to be any requested change to the $34.00 per diem that is currently paid out, the expense for the difference between any new rate and the existing rate would be borne out in the budget. The impact to each applicable Board & Commission would vary depending on the size of the board and eligibility of those members to receive a Per Diem.

RECOMMENDATION

1) Motion to add the Conflict-of-Interest, Commissioner Mileage, and Board & Commissions Per Diem & Mileage Polices to the Consent Agenda of the June 6th Regular Meeting.

2) Motion to add Resolution Establishing FY 24 Boards & Commissions Per Diem Rate to the Consent Agenda of the June 6th Regular Meeting.

SALARIES FOR ELECTED OFFICIALS & CHIEF DEPUTIES

PURPOSE
The purpose of the Salaries for Elected Officials and Chief Deputies Policy is to provide requirements and guidelines provided by the Michigan Legislature.

ELIGIBILITY CRITERIA
The County shall adhere to the requirements of MCL 45.421(1). Which states the annual salary of each salaried county officer, which is by law fixed by the county board of commissioners, shall be fixed by the board before November 1 of each year and shall not be diminished during the term for which the county officer has been elected or appointed, but may be increased by the Board of Commissioners (BOC) during the officer's term of office.

In keeping with the statute, the BOC will endeavor to address the salaries of the elected officials and chief deputies at the time it passes its annual budget, with the exception of the year prior to the commencement of a new term of office.

The "term of office" of each chief deputy will be co-terminus with the elected official under which they serve. The BOC may adjust salaries annually.

During a term of office, the BOC shall not decrease the salary of an elected official and chief deputy position, even if the chief deputy is a "new hire" or "inexperienced." Chief deputies serve at the pleasure of their elected officials.

The following non-binding principles apply:

a) The BOC may elect to increase salary at any time. It is not bound by the November 1 deadline.
b) The BOC may adopt uniform pay scales for guidance; however, it is not required to follow them. The application of a pay scale shall not result in a decrease in salary from a predecessor in office.
c) Elected officials and chief deputies are not automatically entitled to cost-of-living adjustments. However, the BOC will endeavor to keep elected official chief deputy salaries competitive and in proportion to employees above and below them on the organizational chart. This may result in regular salary increases. The County recognizes the practical benefit and will endeavor for consistency with future changes in compensation under the policy to be consistent with changes approved for non-union employees' cost of living increases.

The principles set forth in this policy do not apply to non-salary compensation, which remains subject to change as otherwise provided by law.

This policy does not apply to others not specifically identified herein.

QUESTIONS
Questions regarding this policy should be directed to Human Resources.

DRAFT

Note: This policy may differ for those employees who are members of recognized unions, organizations, associations, or non-union positions with the County. Any questions related to the content of this policy, or its interpretation, should be directed to Human Resources.

DRAFT

Commissioner Mileage

I. POLICY

A. STATEMENT OF POLICY: The Cass County Board of Commissioners sets forth the following Mileage Policy for the purpose of providing specific parameters and uniformity as to the availability of obtaining mileage for a commissioner's attendance at various meetings, events, and other relevant activities, as well as providing a collective understanding as to the authority and proper process for submitting mileage and charging a per diem fee to the County.

II. AUTHORITY

A. LEGAL AUTHORITY:

1. Public Act 156 of 1851 [MCL 46.11 et seq.] provides that the Cass County Board of Commissioners may prescribe and fix the salaries and compensations of employees of the County.

B. BUDGET

1. The Cass County annual budget shall recognize costs for mileage for currently elected Commissioners in allowable circumstances consistent with the policy.

IV. MILEAGE DEFINED

A. The current Internal Revenue Service standard mileage rates shall be applied and paid to the current elected Commissioners for all business miles driven and allowable pursuant to this policy to recognize, in part, the wear and tear on a Commissioner's vehicle, personal insurance maintained, gasoline and other relevant costs.

V. PER DIEM AND MILEAGE APPLICATION

A. Resolution R-188-22 was approved on 10/6/2022. The resolution increased the base salary for Commissioners and thus eliminated the payments of Per Diems for attending meetings and paying mileage for in-county travel. Commissioners shall not be paid any per diem payments or mileage for travel within Cass County for attending meetings. Commissioners shall only be eligible to receive mileage for travel outside of Cass County for conducting county related business. The restructuring of wages, per diem and mileage went into effect on January 1, 2023.

VI. PROCESS FOR SUBMITTING MILEAGE REQUESTS

A. REQUESTS FOR PAYMENT SUBMITTED QUARTERLY

1. All requests for payment of mileage shall be submitted on a quarterly basis on forms provided through the Per Diem & Mileage Workgroup: October 1st, January 1st, April 1st, and July 1st.

2. At a minimum, the information to be submitted for mileage shall include:

a. The date of the meeting

b. Name of agency / event and board / group

c. Location

d. Mileage incurred

3. All requests for quarterly payments of mileage traveled outside of Cass County.

4. Requests for quarterly payments of mileage approved by the Per Diem & Mileage Workgroup shall be forwarded to the Chair or Vice-Chair for approval and submission for payment.

5. All requests for quarterly payment of mileage shall be paid timely.

VII. POLICY

DRAFT

A. EFFECTIVE DATE

1. This Per Diem and Mileage Policy shall be effective on the date approved by the Cass County Board of Commissioners.

ADOPTED: 06/15/2017

AMENDED: 09/06/2018

AMENDED: 04/21/2022

AMENDED: _____

DRAFT

Boards & Commissions Per Diem and Mileage

Members of all boards, commissions, and authorities appointed by the Board of Commissioners shall be compensated for their attendance at meetings in accordance with the following policy:

I. Board, Commission, and Authority Members Other Than County Commissioners

a. Members of all boards, commissions, and authorities subject to appointment by the Board of Commissioners, other than members of the Board of Commissioners, shall be entitled to the approved per diem in accordance with an approved per diem schedule, and, in all cases, shall be entitled to mileage to and from any meeting at the standard rate mileage rate set by the Internal Revenue Service.

b. For the purposes of this Policy, a meeting is limited to any regular or special meeting as defined in the by-laws or a meeting called by the chairman of the board, commission, or authority at the regular location of the board, commission, or authority.

~~c.~~ Per diem shall be equivalent to the currently approved rate adopted annually at the Board of Commissioners organizational meeting.

II. Exclusion from Compensation, Employees, Other County Officials

a. County officials, other than members of the Board of Commissioners, and County employees who serve on a board, commission, or authority established by the Board of Commissioners are entitled to mileage and necessary expenses for attending the meetings of the board, commission, or authority. However, no per diem shall be allowed for such attendance unless required by law or approved by the Board of Commissioners.

III. Application of Policy

a. To receive per diem and/or mileage, the chair of each applicable board, commission, or authority shall submit an attendance sheet to the County Administration Office following each applicable meeting that indicates which members were present and eligible to receive said per diem and/or mileage.

b. This policy is not intended to affect in any way the compensation of members of the Board of Commissioners.

ADOPTED: 05/19/2022
AMENDED: _____

DRAFT

CASS COUNTY BOARD OF COMMISSIONERS

R-###-24

A RESOLUTION TO ESTABLISH THE BOARDS & COMMISSIONS PER DIEM RATE

WHEREAS, the Cass County Board of Commissioners recognizes the valuable contributions made by members of various Boards and Commissions in carrying out the governance and advisory duties within the county;

WHEREAS, it is deemed necessary to provide a reasonable per diem compensation to the members of these Boards and Commissions for their time, effort, and expenses incurred in the performance of their duties; and

WHEREAS, the Boards & Commissions Per Diem & Mileage Policy requires that an annual Per Diem Rate be established and a per diem shall be paid to those parties determined to be eligible to receive it under the policy.

NOW, THEREFORE, BE IT RESOLVED by the Cass County Board of Commissioners as follows:

1. **Per Diem Rate**: A per diem rate of $34.00 is hereby established for all Board-appointed Boards & Commissions.
2. **Effective Date**: This resolution shall take effect immediately upon its passage and approval and shall apply to all meetings occurring after the date of approval.
3. **Supersedes Previous Resolutions**: This resolution supersedes any previous resolutions or policies in conflict herewith.

BE IT FURTHER RESOLVED that the Cass County Board of Commissioners shall adopt a Resolution annually to set the Per Diem Rate at its Organizational Meeting, which is the first Board of Commissioner Meeting each January.

ADOPTED THIS 6TH DAY OF JUNE 2024

ATTEST:

_____
Monica McMichael, Clerk/Register
COUNTY OF CASS

_____
Jeremiah Jones, Chairperson
CASS COUNTY BOARD OF COMMISSIONERS

DRAFT

CASS COUNTY
BOARD OF COMMISSIONERS

To: Board of Commissioners

From: Matthew Newton, County Administrator

Re: MSU Extension – Amendment to MOA

REQUEST:

Approve for Amendment #1 of MSU Extension Memorandum of Agreement be added to the June 6th Regular Meeting.

BACKGROUND:

Over the previous few years, the County has elected to provide the Clerical Support Staff for the MSU Extension Office. This was, in part, as the position was split across both Parks and MSU Extension. At the time, the belief was that while neither position necessarily supported a full-time designation, the combination position would allow for a single, full-time employee to fulfil that role and work across both offices. The employee that has been in that role had previously indicated that they were exploring retirement this year. As such, we had begun exploring options to best fulfill the needs of the role going forward. We held discussions with Parks Director Wyman as well as MSU Extension District Director Pioch. Following those discussions, we also looked at the financial impact to both the County and MSU Extension. A conversation was also facilitated with the CCIEA to discuss proposed options.

After careful consideration, the course recommended is to have MSU Extension provide a Clerical Support staff member under our MOA. Under this arrangement, the County would be responsible for 50% of the staff member. However, unlike the previous setup, the new role would be a full-time position that could assist with more programming on the part of MSU and help them facilitate additional public outreach and other duties. The County, through this amendment would save approximately $6,000.00 annually versus supplying the role in-house. And, this, effectively, gives an additional .5 FTE that is covered through MSU Extension directly. So, the summary is this provides a win-win for both parties. It increases the staffing level for MSU Extension all while reducing the net cost to the County through the previously combined full-time position.

In terms of Parks clerical support, that will continue on a part-time basis. We would expect to have that part-time role filled in 60 days. Discussions were held with CCIEA, and, at this time, it is anticipated that the employee retiring will return to the part-time role to support Parks going forward.

REVIEWS:

Prior to submitting this request, this agenda item was reviewed by all impacted departments noted below: (Ex: Administration, Maintenance, HR, and IT)

MSU Extension, Parks, CCIEA, Administration, HR

FINANCIAL ANALYSIS:

The net overall impact to the County is the addition of .5 FTE staffing at MSU Extension and a reduction in annualized costs of approximately $6,000.00 as compared to the previous arrangement.

RECOMMENDATION

Motion to add Amendment #1 – MSU Extension MOA be added to the Consent Agenda of the June 6th Regular Meeting.

AMENDMENT #1 – Agreement for Extension Services provided by Michigan State University to CASS County Annual Work Plan FY 2024

Amending section C only to add Clerical Support funding. The clerical support will be hired and employed by Michigan State University Extension with funding provided from Cass County.

C. Assessment to County:

2024 TOTAL BASE Assessment (includes .5 FTE 4-H Program Coordination)	$58,862
ADDITIONAL PERSONNEL	
1. .5 FTE Clerical Support Staff to be employed by MSU (6/1-9/30/24)	$11,789
2. .5 FTE Additional 4-H Program Coordination	$35,368
TOTAL COUNTY PAYMENT FOR FY 2024	**$106,019**

For the period October 1, 2023 to September 30, 2024, CASS County shall pay to MSUE **$106,019**, which is the cost of the assessment plus any additional personnel costs. Additional clerical support position amount is prorated based on estimated hire date. Position will not be included in quarterly invoice until position is filled. Payment will be made the first month of each quarter of the county fiscal year. Payments should be sent to

MSUE Extension Business Office
Morrill Hall of Agriculture
446 W. Circle Drive, Room 160
East Lansing, MI 48824

MICHIGAN STATE UNIVERSITY

By: _____

Evonne Pedawi
Contract & Grant Administration
Its: Executive Director

Date: _____

CASS COUNTY

By: _____

Print Name: _____

Its: _____

Date: _____

CASS COUNTY
BOARD OF COMMISSIONERS

TO: Board of Commissioners

FROM: Sheriff Richard J. Behnke

DATE: May 7, 2024

RE: Dog Recreation Yard for Animal Control

REQUEST:

To install a fenced-in area adjacent to the Animal Control building for the purpose of exercising dogs.

BACKGROUND:

Animals need exercise for both mental and physical well-being. Providing a secure environment will allow this to take with the minimum staffing required. The money to build this fence will come from the Animal Control Donation Fund. We have had Facilities Director David Reiff be part of this process to establish the best location for this project and input to provide the least amount of maintenance to their department. We have been in contact with the Village of Cassopolis to be sure we are following local ordinances.

REVIEWS:

Prior to submitting this request, this agenda item was reviewed by all impacted departments noted below: (Ex: Administration, Maintenance, HR, and IT)

Sheriff, Administration

FINANCIAL ANALYSIS:

The cost of the project will not exceed $11,000 and will be paid via the Animal Control Donation Fund. We have a quote from Patriot Fencing out of Edwardsburg and are currently securing other quotes.

RECOMMENDATION:

Motion to add the approval of a Dog Recreation Yard Project at a cost not to exceed $11,000 be added to the Consent Agenda of the June 6th Regular Meeting.

120 N. Broadway, Suite 200 ◊ Cassopolis, MI 49031
Telephone (269) 445-4420 ◊ Fax (269) 445-8978

Patriot Fence LLC
21525 Maple Glen Dr
Edwardsburg, MI 49112 US
patriotfencellc@outlook.com

PATRIOT
FENCE LLC

ADDRESS
C/O Director Ron Butts
Cass County Animal Control
323 M62
Cassopolis, Michigan 49031
U.S.A.

Estimate 1068

DATE 04/11/2024

EXPIRATION DATE 05/09/2024

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
Services	Dog Run Project - Interior Provide Materials and Labor for New Installation 240 feet of: 6ft tall 9-gauge Knuckle/Knuckle Galvanized Chain-link Mesh including (2) 4ft wide x 6ft tall Walk Gate with Lockable Strongarm Gate Latch and Commercial lockable drop rod. (8 Corner, 2 (4ft) Walk Gates) Constructed as follows: All Posts Concrete set-in soil, All Material Galvanized, 3" Gate Posts, 3" Terminal Posts, 2"-line Posts, 1-5/8" Top-rail, Pressed Steel Loop Caps, Pressed Steel Rail Ends, Pressed Steel Dome Caps, Commercial walk Gate w 2" Frame, Malleable Gate Hinges, Welded Strong Arm Latch, Welded Drop Rod, 7ga at Bottom Tension Wire	1	8,280.00	8,280.00
Services	Dog Run Project - Exterior Provide Materials and Labor for New Installation 240 feet of: 4ft (upgraded to 5ft tall Slightly Used very good condition No Additional Charge) 9-gauge Knuckle/Knuckle Galvanized Chain-link Mesh including (1) 4ft wide x 4ft tall Walk Gate with Lockable Strongarm Gate Latch and Commercial lockable drop rod. (4 Corner, 1 (4ft) Walk Gate) Constructed as follows: All Posts Concrete set-in soil, All Material Galvanized, 3" Gate Posts, 3" Terminal Posts, 2"-line Posts, 1-5/8" Top-rail, Pressed Steel Loop Caps, Pressed Steel Rail Ends, Pressed Steel Dome Caps, Commercial Walk Gate w 2" Frame, Malleable Gate Hinges, Welded Strong Arm Latch, Welded Drop Rod, 7ga at Bottom Tension Wire	1	5,220.00	5,220.00

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
Terms/Conditions	Weather, Material Availability, and Delivery Permitting. *Customer Agrees Materials are Considered Sole Property of Patriot Fence LLC / Paul Macumber “Until” Job is Paid in Full. *If Job is Complete and Not Paid in Full in agreed upon Time frame Stated in Quote, Customer Is then Considered in Breach of Contract and agrees to and gives Permission that Patriot Fence May Reclaim Installed Materials and that Customer will still Owe for Labor and un-reusable Materials. *All fence Lines are to be clear of obstructions by customer (i.e. Tall Grass, Trees, Moveable Objects, Etc.) that would inhibit normal accessibility or aggravate standard installation. A line clearing fee may be charged otherwise. *Property Owner is responsible for repair of damage to any unmarked: Lines, Septic System, Etc. Beyond 811 Locates requirements. *A Hard Digging Fee consisting of Direct Labor and/or Equipment rental may be Charged for removal of unknown non-Soil obstructions inhibiting Installation of above Quoted Materials. *Customer Understands Above Terms are in effect upon giving Patriot Fence LLC/ Paul Macumber Verbal, Written, or Electronic Acceptance	1	0.00	0.00

25% Community Support Discount Applied
Exterior Will be 5ft as discussed at no additional charge.
Lesser Charges may be given at conclusion of Job.

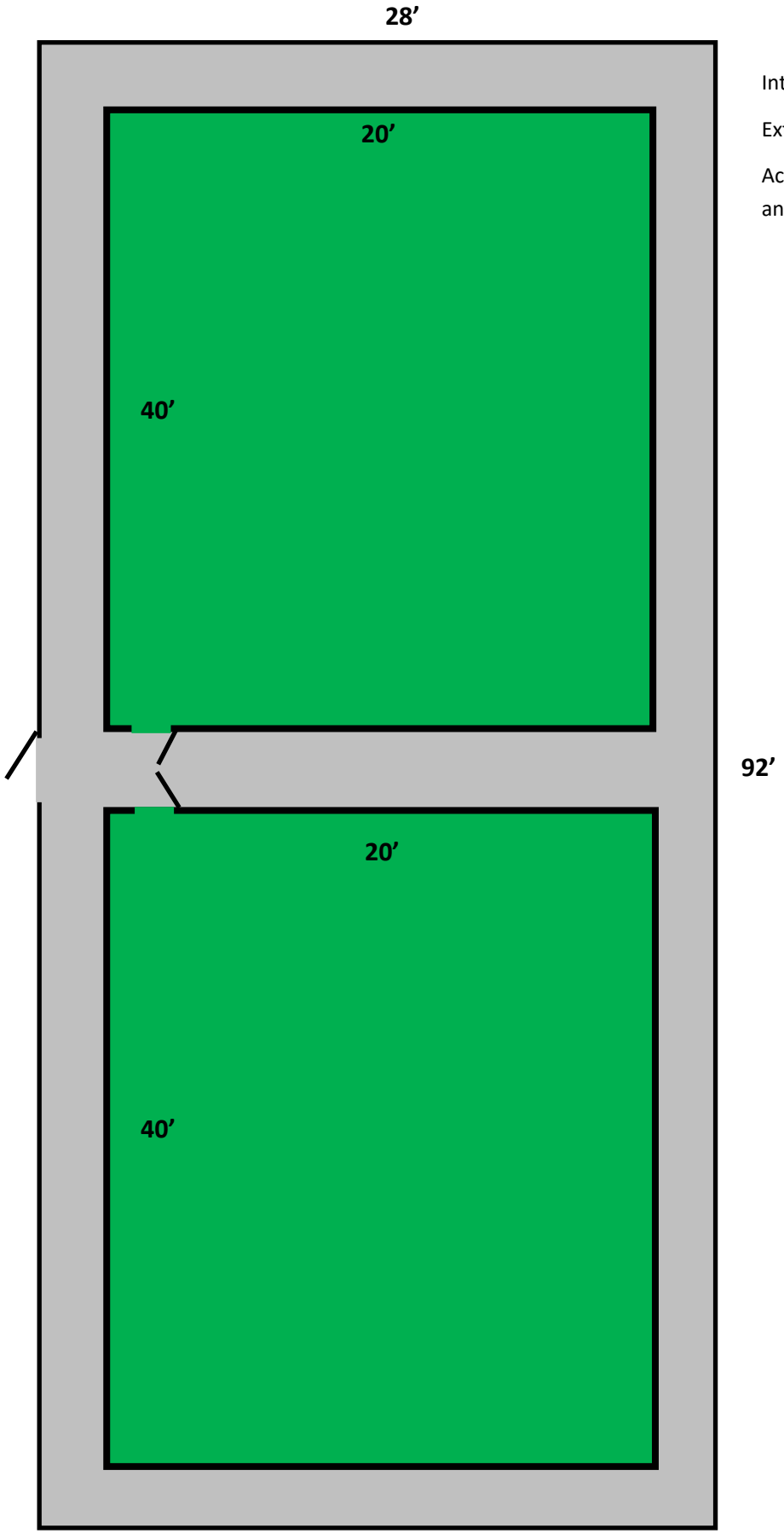
Payment terms 50% Down 50% upon Completion to make above Discounts Appliable. Unless agreed upon otherwise.

SUBTOTAL	13,500.00
DISCOUNT 25%	-3,375.00
TAX	0.00
TOTAL	$10,125.00

Accepted By

Accepted Date

Animal shelter dog exercise area



Interior fence to be 6’ tall

Exterior fence to be 5’ tall

Access gates(3) are 4’ wide and to be lockable

Grass

Stone

CASS COUNTY
BOARD OF COMMISSIONERS

To: Board of Commissioners

From: Matthew Newton, County Administrator

Re: FY 24 Budget Amendments

REQUEST:

Approve for the FY 24 Budget Amendments to be added to the June 6th Regular Meeting Agenda.

BACKGROUND:

Please find the proposed FY 24 Budget Amendment Worksheet attached. Each item describes the account and reason for the adjustment being proposed. We can review any of the proposed adjustments during the meeting if there are any additional questions.

REVIEWS:

Prior to submitting this request, this agenda item was reviewed by all impacted departments noted below: (Ex: Administration, Maintenance, HR, and IT)

Administration

FINANCIAL ANALYSIS:

The proposed amendments would result in a Fund Balance Allocation from the General Fund of $75,590 and a Fund Balance Allocation from the Animal Control Donation Fund of $11,000.00. Please note, each of the items noted regarding the General Fund were all previously approved by the Board of Commissioners. The Budget Adjustments here are to reflect the necessary budgetary changes for those actions that were approved.

RECOMMENDATION

Motion to add the FY 24 Budget Amendments to the Consent Agenda of the June 6th Regular Meeting.

Adjustments Requiring BOC Approval - June 6, 2024

Account #	Fund / Dept	Account Name	Cause	R = Revenue E = Expense	Increase	Decrease
101-000-699.050	General Fund	Fund Balance Allocation	Approving Joint Master Plan Update	R	15,000	
101-701-801.000	General	Planning Commission	Budget adjustment need for passing M-021-24 on 02/01/2024	E	15,000	
101-000-699.050	General Fund	Fund Balance Allocation	Deficit Elimination Plan	R	25,499	
101-966-995.060	General Fund	Transfer to DHS Child Care Fund	Deficit Elimination Plan	E	25,499	
297-000-699.051	DHS Child Care Fund	Transfer In - General Fund	Deficit Elimination Plan	R	25,499	
265-000-699.050	Drug Law Enforcement Fund	Fund Balance Allocation	Deficit Elimination Plan	R	10,091	
265-301-995.068	Drug Law Enforcement Fund	Transfer to Community Corrections Grant	Deficit Elimination Plan	E	10,091	
272-000-699.067	Community Corrections Fund	Transfer In - Drug Law Enforcement	Deficit Elimination Plan	R	10,091	
213-000-699.050	Animal Control Donation Fund	Fund Balance Allocation	Fencing for Animals	R	11,000	
216-430-967.000	Animal Control Donation Fund	Equipment < $ 20k	Fencing for Animals	E	11,000	
101-000-699.050	General Fund	Fund Balance Allocation	Budget adjustment neeed for passing M-079-24 on 05/09/2024	R	25,000	
101-966-995.087	General Fund	Transfer to	Budget adjustment neeed for passing M-079-24 on 05/09/2024	E	25,000	
258-000-699.051	Disaster Contingency Fund	Transfer In - General Fund	Budget adjustment neeed for passing M-079-24 on 05/09/2024	R	25,000	
258-426-802.000	Disaster Contingency Fund	Miscellaneous Services	Disaster Relief Efforts	E	25,000	

CASS COUNTY
BOARD OF COMMISSIONERS

To: Board of Commissioners

From: Matthew Newton, County Administrator

Re: APA I & APA II Grade Change Request

REQUEST:

Evaluate the requested change in Pay Grade for APA I & APA II as requested by Prosecutor Fitz and determine whether to move forward with the requested resolution.

BACKGROUND:

Prosecutor Fitz has requested that the Board of Commissioners consider a change in the current Class Comp as it relates to APA I and APA II to move those from a Grade 10 and Grade 12 to a Grade 12 and Grade 14, respectively. Prosecutor Fitz has included several attachments including a Letter to the BOC on his request, supporting documentation, and a proposed resolution.

Upon review of the documents, I did speak with Prosecutor Fitz and relayed that my main concern is having detailed information regarding the rationale for changing the pay grade. In our current Class Comp (of which, I would note we are in the process of completing an RFP to carry out a new one over the next 8 to 10 months), each position is graded based on a set of factors. These factors include Discretion and Independent Judgment, Education, Experience, Supervisory or Management Responsibility, Position Complexity, and Budgetary/Asset Control. If the BOC is willing to entertain a change in Pay Grade, it MUST be accompanied by an explanation as to what areas of the current Class Comp are proposed to be incorrect and what resultant changes are necessary to correct those.

Additionally, I do believe that it's important to consider, when we look at comparable counties, what criteria we are using to select those. I can admit that, from a regional perspective, there is some mobility amongst potential candidates to look at adjacent counties. However, it's important to consider that there are fundamental differences between our regional area. For example, our Taxable Value and Population are not comparable when we consider Kalamazoo and Berrien Counties. Likewise, our cost-of-living expenses are also likely to be lower in Cass County. So, it's much more difficult to consider those as a direct, apples-to-apples sort of comparison. Does it play a factor? Yes, it likely does, however, there are caveats and considerations that must be given. To that end, we have included a breakdown of other recent market studies that were completed by third party organizations in Counties in Michigan, in which, Cass County was deemed a comparable. Most of these, in turn, are comparable to Cass County from the perspective of Taxable Value and Population, arguably, the 2 primary driving factors of our budget. So, while a regional perspective isn't necessarily bad, it's critical that we also seek like-county comparisons as well.

As stated before, I would note that the County has endeavored to work towards the completion of a new Class Compensation Study over the next year. In fact, Proposals will be reviewed at the June Committee of the Whole Meeting. So, it's important to remember that we will be evaluating pay scales and grades in the very near future. However, I will admit that we are not able to pin down an exact date of completion or implementation for those at this time. So, it's entirely possible any proposal that may be approved could take a period of 6-12 months to complete and even some additional time to implement. The goal there is to ensure we have something in place that will effectively guide the County for years to come. So, if there is a need to address this matter in advance of that, it is worth considering, in my view, what may be proposed, as long as we are considering this from the right perspective and that is, specifically, whether the grading under the current Class Comp is incorrect and the rational for why it is so.

REVIEWS:

Prior to submitting this request, this agenda item was reviewed by all impacted departments noted below: (Ex: Administration, Maintenance, HR, and IT)

Administration, HR

FINANCIAL ANALYSIS:

If the Pay Grade changes were authorized, the net increase to the Prosecutor's Budget would be approximately $12,708.71 annually. The approximate cost to implement the changes with respect to the current year budget, assuming the currently vacant API position were filled on June 1st, would be $4,236.24.

RECOMMENDATION

Review the materials provided by Prosecutor Fitz and discuss the proposed rationale for changing pay grades. Determine from there if a change is warranted and whether the language of the proposed resolution should go forward as-is or if that should be revised as well or if this should be approached via motion instead. Based on the decision made, determine whether to move forward any of the items to the June 6th Regular Meeting either via Consent Agenda or under New Business.

Office of the Prosecuting Attorney
VICTOR A. FITZ

Chief Assistant
Mary Foster

May 10, 2024

Dear Cass County Commissioners:

Prosecutor's Offices throughout Michigan and the United States are facing extreme attorney staffing challenges.

It is well established that there is a local, state, and national crisis regarding the inability of Prosecutor's Offices to sufficiently recruit, hire and retain assistant prosecutors for the critical purpose of pursuing justice and protecting the public. Prosecutors' offices throughout Michigan and the United States are routinely understaffed, underpaid and dealing with significant burn-out. It has become so acute that periodically prosecutors' offices in Michigan have little or no attorney staffing to pursue their statutory and constitutional requirements.

Over the past two years, like many offices in Michigan and beyond, the Cass County Prosecutors office has been significantly short-staffed when it comes to assistant prosecuting attorneys (APA'S). The Office has been down as much as 40% of APA workforce licensed attorneys much of last two years. There has been a turnover of five assistant prosecutors----the entire APA staff in the last two calendar years. Each of these individuals left for higher paying jobs. Four of the five remained in prosecution. This continuing personnel crisis creates a significant challenge when it comes to carrying out the mandate of a prosecutor's office to protect the public and ensure justice.

Cass County has not kept pace with compensation for assistant prosecutors in southwest Michigan as well as with comparable attorney positions throughout Michigan. It currently pays its assistant prosecutors at the lowest rate in Southwest Michigan. By significant margins.

In order to attract and retain Assistant Prosecutors, it is important to more adequately compensate Assistant Prosecutors including a competitive pay Grade and pay Step for each APA.

As the elected Prosecutor and Chief Law Enforcement Officer in Cass County, over the past two years I have had numerous discussions with you and the County Administration regarding this pressing matter.

In order to attract, hire and retain a sufficient Assistant Prosecutor workforce to enforce our laws, protect the public and ensure justice, it is critically important that this issue be addressed.

Accordingly, I respectfully ask that the Cass County Board of Commissioners consider and pass the attached resolution authorizing an adjustment to the two APA pay grades.

Thank you for your consideration.
Sincerely,

Victor Fitz

CASS COUNTY LAW AND COURTS BUILDING
60296 M-62, SUITE 6
CASSOPOLIS, MICHIGAN 49031
TELEPHONE (269) 445-4460 - FAX (269) 445-4409

RESOLUTION
Pay Grade
5-30-24

WHEREAS, Prosecutor's Offices throughout Michigan and the United States are facing extreme attorney staffing challenges, and,

WHEREAS compensation for attorney positions within the Cass County Prosecutors Office have not kept pace with other Prosecutors Offices in southwest Michigan as well as with comparable attorney positions throughout Michigan, and,

WHEREAS numerous vacancies over the past three years mandate review of said Cass County Prosecutor attorney positions,

WHEREAS in order to attract and retain Assistant Prosecutors, it is important to more adequately compensate Assistant Prosecutors including a competitive pay Grade,

NOW THERFORE, BE IT HEREBY RESOLVED that the Cass County Board of Commissioners authorizes the following pay grade to be effective with the start of the next pay period following adoption of this resolution:

CLASSIFICATION	PAY GRADE
Assistant Prosecutor I	12
Assistant Prosecutor II	14

ASSISTANT PROSECUTORS - CURRENT

BUDGET			Salary	SS Medicare	W/ Comp	Retirement	Health/Dent/Vis	STD	Life/ADD	Compensation	Notes
PROSC	APA I	Grade 10 - Step 5	$ 66,136.00	$ 5,059.40	$ 134.76	$ 11,904.48	$ 6,401.37	$ 394.80	$ 81.00	$ 90,111.82	NOV raise (2 Step Incr.) & annual JAN raise/step increase (1 Step +3%)
PROSC	APA I (Vacant)	Grade 10 - Step 1	$ 57,509.00	$ 4,399.44	$ 117.18	$ 10,351.62	$ 22,903.48	$ 394.80	$ 81.00	$ 95,756.52	Now vacant
PROSC	APA II	Grade 12 - Step 8	$ 80,002.00	$ 6,120.15	$ 163.01	$ 14,400.36	$ 2,700.00	$ 394.80	$ 81.00	$ 103,861.33	Hired at Step 7 - Annual 1 Step + 3% in JAN
		TOTAL:	$ 203,647.00	$ 15,579.00	$ 414.96	$ 36,656.46	$ 32,004.85	$ 1,184.40	$ 243.00	$ 289,729.66	
CCDET	APA II	Grade 12 - Step 5	$ 72,873.00	$ 5,574.78	$ 148.49	$ 13,117.14	$ 7,948.09	$ 394.80	$ 81.00	$ 100,137.30	Hired at Step 5

ASSISTANT PROSECUTORS - PROPOSED

BUDGET			Salary	SS/Medicare	Workers Comp	Retirement	Health/Dental/Vis	STD	Life/ADD	Compensation	Notes
PROSC	APA I	Grade 12 - Step 3	$ 68,121.00	$ 5,211.26	$ 138.81	$ 12,261.78	$ 6,401.37	$ 394.80	$ 81.00	$ 92,610.01	
PROSC	APA I (Vacant)	Grade 12 - Step 1	$ 63,368.00	$ 4,847.65	$ 129.12	$ 11,406.24	$ 22,903.48	$ 394.80	$ 81.00	$ 103,130.29	Now vacant
PROSC	APA II	Grade 14 - Step 5	$ 82,256.00	$ 6,292.58	$ 167.61	$ 14,806.08	$ 2,700.00	$ 394.80	$ 81.00	$ 106,698.07	
			$ 213,745.00	$ 16,351.49	$ 435.53	$ 38,474.10	$ 32,004.85	$ 1,184.40	$ 243.00	$ 302,438.38	
CCDET	APA II	Grade 14 - Step 2	$ 74,209.00	$ 5,676.99	$ 151.21	$ 13,357.62	$ 7,948.09	$ 394.80	$ 81.00	$ 101,818.71	

ESTIMATED COST

	PROPOSED	*CURRENT*	ANNUAL COST	APPROXIMATE 2023-24 COST IF APA I VACANCY FILLED JUNE 1
PROSC	$ 447,394.73	$ 424,558.57	$ 12,708.71	$ 4,236.24
CCDET	$ 122,073.61	$ 100,137.30	$ 1,681.41	$ 1,681.41

Marquette County/MCS Survey 2024
Comparison of Range Maximum Wages

Position Title	Average of All	Marquette County	Barry County	Cass County	Clinton County	Ionia County	Isabella County	Lapeer County	Midland County	Montcalm County	Newaygo County	St. Joseph County	Shiawassee County	Tuscola County
Prosecutor	128,452	123,822	125,172	125,925	130,233	136,707	140,096	143,893	124,722	121,692	126,596	125,700	112,507	119,609
Chief Assistant Prosecuting Attorney	100,662	91,978	98,227	104,603	112,552	90,614	103,834	-	129,875	82,400	85,363	97,658	98,176	95,092
Assistant Prosecutor II	**88,757**	**74,110**	**76,249**	**82,389**	**97,801**	**96,283**	**86,549**	**-**	**112,341**	**71,070**	**78,312**	**88,781**	**82,680**	**85,433**
Assistant Prosecutor I	**71,544**	**64,126**	**70,929**	**74,763**	**-**	**-**	**-**	**-**	**84,427**	**61,800**	**73,216**	**-**	**-**	**-**
Victim/Witness Coordinator - Office Manager	62,507	56,930	62,525	74,755	56,410	-	55,328	68,390	72,946	-	58,490	55,224	57,720	57,077
Legal Assistant	48,241	49,026	52,083	50,689	47,570	48,402	46,821	50,274	53,435	41,350	43,576	51,397	45,760	39,270

Clinton County/MCS Survey 2024
Comparison of Range Maximum Wages

Position Title	Average of All	Clinton County	Barry County	Bay County	Eaton County	Isabella County	Jackson County	Lapeer County	Lenawee County	Midland County	Montcalm County	Saint Joseph County	Shiawassee County	Van Buren County
Chief Assistant Prosecuting Attorney	111,405	112,552	98,227	111,530	111,779	103,834	117,266	142,528	124,283	129,875	82,400	97,658	98,176	118,151
Assistant Prosecutor	90,516	97,801	76,249	92,372	77,750	86,542	92,955	111,088	99,517	84,427	71,070	88,781	82,680	115,477
Investigator	65,008	60,624	-	-	70,678	-	61,651	-	-	-	-	-	67,080	-
Office Manager - Prosecutor	62,985	56,403	62,524	63,606	55,619	-	-	68,390	-	72,946	-	-	57,720	66,670
Legal Secretary II (senior)	51,903	52,471	0	47,507	53,019	-	-	54,288	48,895	57,429	-	-	49,712	-
Legal Secretary I	47,412	47,574	43,418	43,118	42,848	46,821	48,422	50,274	42,403	53,435	41,350	55,224	45,760	55,715
Victim Rights Assistant	47,339	43,222	-	-	48,152	-	59,072	-	42,403	48,610	-	-	42,578	-
Victim Rights Advocate	54,390	49,275	49,620	63,606	53,019	52,312	66,664	-	48,895	64,626	41,142	51,397	49,712	62,417

Hillsdale County 2023
Classification and Compensation Study
Comparison of Range Maximum Wages

Position Title	Average of All	Barry County	Branch County	Cass County	Gratiot County	Hillsdale County	Ionia County	Isabella County	Mecosta County	Montcalm County	Newago County	Saint Joseph County	Sanilac County	Shiawassee County
Chief Assistant Prosecuting Attorney	94,084	93,550	128,403	101,561	-	73,630	88,837	100,810	104,958	80,000	82,867	95,743	84,836	95,576
Assistant Prosecutor	**75,015**	**67,551**	**110,640**	**72,585**	**54,059**	**52,500**	**94,390**	**84,021**	**74,534**	**60,000**	**71,074**	**87,040**	**75,565**	**71,240**
Office Manager - Prosecutor	54,355	59,547	-	72,585	43,056	41,912	-	53,723	-	-	56,784	54,142	52,344	54,038
Legal Secretary	44,678	41,343	49,650	49,213	41,246	39,395	47,445	45,448	49,317	-	42,307	54,142	41,731	41,454
Victim Rights Advocate	48,481	47,261	49,650	49,213	44,533	41,912	56,805	50,795	52,728	39,936	38,750	50,398	49,703	49,109
Child Support Enforcement Administrator	50,624	-	-	56,742	46,114	41,912	53,747	50,795	57,802	-	63,107	-	44,379	53,498

Shiawassee County 2023
Classification and Compensation Study
Comparison of Range Maximum Wages

Position Title	Average of All	Barry County	Branch County	Cass County	Clinton County	Hillsdale County	Ionia County	Isabella County	Marquette County	Montcalm County	Newago County	Saint Joseph County	Shiawassee County	Tuscola County
Prosecutor	123,063	119,211	133,305	122,257	126,440	99,759	134,027	136,015	121,410	118,148	122,909	123,235	112,507	116,125
Chief Assistant Prosecuting Attorney	95,458	93,550	128,403	101,561	99,274	73,630	88,837	100,810	90,189	80,000	82,867	95,743	95,576	92,322
Assistant Prosecutor 1 (entry level)	**76,571**	**67,551**	**110,640**	**72,585**	**84,952**	**52,500**	**94,390**	**84,021**	**62,858**	**60,000**	**71,074**	**87,040**	**71,240**	**-**
Assistant Prosecutor 3 (or highest level)	**81,930**	**72,618**	**-**	**79,979**	**-**	**-**	**-**	**-**	**72,654**	**69,000**	**76,024**	**-**	**90,106**	**82,944**

Office Manager - Prosecutor or Defender (highest)	57,050	59,547	-	72,585	54,760	41,912	71,510	53,723	56,368	46,197	56,784	54,142	54,038	55,414
Legal Secretary	45,589	41,343	49,650	49,213	46,188	39,395	47,445	45,448	48,090	41,350	42,307	54,142	41,454	38,126
Victim Rights Advocate	48,943	47,261	49,650	49,213	47,840	41,912	56,805	50,795	44,990	39,936	38,750	50,398	49,109	57,937
Criminal Investigator - Prosecutor or Defender (highest	62,233	-	67,496	56,742	-	-	-	-	-	-	-	-	62,462	-
Child Support Enforcement Administrator	52,651	-	-	56,742	63,262	41,912	53,747	50,795	-	-	63,107	-	53,498	38,147

Class Compensation Study

Circa 2021

When the Classification Study was conducted circa 2021, the APA I Position was preliminarily classified as a Grade 10 Position. And the APA II was preliminarily classified as a Grade 12 Position. The Prosecutor opposed these classifications and posited that these should appropriately be scored at a Grade 12 and Grade 14, respectively. During meetings of the Classification Committee, various parties could not come to a consensus as to which Grade was appropriate. Accordingly, the Administrator suggested that these two positions be discussed and evaluated further through the Commissioner's Salary/Compensation/Appeals Committee. This appeal and evaluation subsequently took place in that Committee in 2022 with most, if not all of the committee agreeing that the Classification of the APA I Position should properly be a Grade 12 rather than a grade 10 and that the Classification of the APA II Position should properly be a Grade 14 rather than a Grade 12. This overall consensus included the Administrator's Office.

St. Joseph County Office of the Prosecuting Attorney

P.O. Box 250
Centreville, MI 49032
(269) 467-5547 (voice)
(269) 467-5658 (fax)

PROSECUTING ATTORNEY
David A. Marvin

CHIEF ASST. PROSECUTING ATTORNEY
Josh Robare

SJC County Board of Commissioners
P.O. Box 130
Centreville, MI 49032

February 12, 2024

Re: MARVIN – Prosecutor's Office Update

Dear Mr. Chairman and Board of Commissioners,

I've spent the majority of my first term as St. Joseph County Prosecutor under difficult circumstances. I took responsibility for an office reeling from a scandal that made state-wide news and it wasn't the COVID backlog. I managed through it and got the office on track.

No matter how critical the circumstances, I've never complained publicly and didn't ask the Board of Commissioners for help. I respected the chain of command and the management structure of our county and worked closely with our County Administrator while and keeping law enforcement, defense attorneys and the courts informed of hearing conflicts, anticipated delays, adjournments and setbacks. I worked through the problems as I promised when I was elected: by putting in whatever work was necessary to get the job done.

Now, for the first time, I'm asking for your help. I regret to inform you some difficult circumstances have now become a crisis adversely impacting the public safety and welfare for our 61,000 citizens of St. Joseph County. Our entire law enforcement community is compromised.

The problem is a lack of prosecutors. My once fully-staffed office of five has shrunk by 60%. Only two of us remain to handle the entirely of the workload. Two of my former assistants left for attractive opportunities with private practice law firms. Unfortunately and unexpectedly, a third was found unfit to perform the work of justice and was removed.

Crime has not shrunk by 60%, however. 96 law enforcement officers throughout our cities, villages and townships continue to do their jobs serving and protecting us 24 hours a day. All of their work is funneled to me in the form of formal, criminal charging requests. Every day these written requests arrive informing me of assaultive crimes from murder to public fights and domestic abuse to child rape. I weekly receive charging requests for robberies and home invasions, shoplifting and embezzlement. And without a doubt, every single day charges are requested for the possession, dealing and abuse of drugs.

It is impossible for two – and even three – prosecutors to handle the volume of work our law enforcement agencies generate. The pursuit of justice requires each report be reviewed carefully and thoughtfully as each case is unique with its own facts and each offender has a different life

experience or set of circumstances that must be considered. Charging this high volume of cases is only the beginning of the process – and it is the easiest part.

Once charged, each case must be handled through our courts. First is preparation. Victims need to be consulted and prepared to testify at various hearings. Evidence needs to be carefully reviewed to determine if additional information is needed to successfully prosecute. Legal research needs to be done to answer motions and to write legal briefs in response to defense attorneys who are doing their job. Jury trial preparation is extremely time consuming.

The biggest strain on any prosecutor's office, even a fully-staffed office, is the time it takes to litigate these matters in the courtroom. Aside from the fact I don't have enough prosecutors to cover simultaneous hearings in all four courts, preparation is needed in advance of all hearings. The citizens of our county are owed a prosecutor who is always prepared and there is no place in any professional endeavor for "winging it." Few elected prosecutors in the State of Michigan can be found in court on a regular basis, yet that is where I can be found: handling traffic misdemeanors in the morning or capital felonies in the afternoon. I'm in court every day, all day long. I'm also here most Saturday mornings and always available at home. This volume and pace is not sustainable.

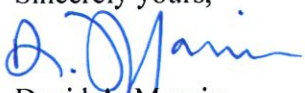
I'm currently considering emergency measures to ensure the most critical cases are given priority. For example, felony assaults will have to take priority over misdemeanor domestic violence. Home invasions and robberies will take priority over shoplifting and other theft crimes. Generally, violent crimes will be pursued before drug and property crimes.

Most concerning is the impact such triage measures will have on our cities and villages, especially with our many new law enforcement officers and crime victims who will quickly become frustrated when their criminal charging requests are backlogged, ignored, ridiculously pled down or even worse, declined or dismissed for lack of resources to prosecute.

The purpose of this letter is to inform you, the leaders of St. Joseph County citizens for all seven districts, of this very serious problem that needs to be addressed immediatley. The solution does not include blame, threats or demands as has been the approach in some other counties. The solution does not have to involve Lansing. The solution, whatever it is, should be determined by the leaders of this county working together to demonstrate that self-government is still possible at the local level.

Future reports and correspondences from me will include the steps I've taken over the past several months to address this problem as well as some ideas and proposed solutions. I don't know how to fix this yet, but as the highest-ranking law enforcement official of St. Joseph County, I will lead the effort – with your help - to find the solution. I promise.

Sincerely yours,



David A. Marvin
St. Joseph County Prosecutor

Cc: Undersheriff Jason Bingaman, Captain T.J. Baker, Chief Scott Boling,
Director Ryan Banaszak, Chief Dan Thayer, Chief Mark Brinkert,
Chief Bill Burgoyne, Chief Mike Kline, F/Lt. Barry Schrader,
Teresa Cupp, T.J. Reed, Judge Robert Pattison

https://news.jrn.msu.edu/2024/03/prosecutors-say-low-salaries-staff-shortages-contribute-to-delays-backlogs/

Prosecutors say low salaries, staff shortages, contribute to delays, backlogs

By Capital News Service | March 8, 2024

Kalkaska County

Kalkaska County Prosecutor Ryan Ziegler.

By ANISH TOPIWALA
Capital News Service

LANSING – Thomas Weichel is the only lawyer working in the Alcona County prosecutor's office, having to balance backlogs of criminal cases while handling the agency's workload alone.

Weichel said his office has always experienced staff shortages and backlogs.

Such a staff shortage can lead to cases being put on hold until a prosecutor can address them.

"What I do is put out fires," said Weichel, the immediate past president of the Prosecuting Attorneys Association of Michigan, which wants more state funding for prosecutors. "I have to deal with the hottest fire first, sometimes never getting to what's smoldering out there.

"I have to handle everything from dogs running at large to murder."

Since Weichel is the only prosecutor in the county, he said his office can focus on only one case at a time.

"Everything else lays dormant," Weichel said.

These shortages also force overloaded prosecutors to work specialized crimes which they may not have been trained to handle, such as child abuse or drunken driving. That's especially true in smaller counties that may not have specialists on staff, according to Weichel.

“I have to re-educate myself every time I have some of those trials because I might not have had one in two, three years,” he said.

Why are some county prosecutor’s offices like his so understaffed?

“I think it literally just goes all to money,” said Tristen Chamberlain, the chief assistant prosecutor of Leelanau County.

The Michigan Indigent Defense Commission received a large increase in funding last year for lawyers who represent defendants unable to afford a private lawyer

“I think their funding quadrupled in our county,” Chamberlain said. “A prosecutor would work the same amount as a defense attorney, and the defense attorney would make two and a half to three times as much.”

These gaps in salary make prosecution jobs less appealing to recently graduated law students, according to Chamberlain.

“If a prosecutor’s office is only going to pay you $50,000, $60,000, maybe $70,000; that’s just not going to cut it,” Chamberlain said.

Currently Leelanau County’s office is fully staffed, but one of its lawyers retired last year. When seeking a replacement, it received only three applications, Chamberlain said – one from a person the office had previously convicted.

“And that was the best one,” Chamberlain said.

“We had no one who could essentially afford to take the job at what it was at,” Chamberlain said.

After requesting more money for salaries from the county board, his office received a 15% increase that attracted another applicant who was hired last October. The new assistant came from the Kalkaska County prosecutor’s office.

Ryan Ziegler, the sole prosecutor in Kalkaska County, said he should have two assistant prosecutors but has had little success in finding replacements since both slots became empty last year.

“I’ve gotten very few, if any, replies to both of these positions,” Ziegler said.

Ziegler said he’s doing everything he can to keep all his cases moving. Even so, his office has a significant backlog of reports that have been left unread.

“Eventually, if I can’t get someone in here soon enough, there will be a breaking point,” Ziegler said.

Even in Houghton County’s prosecutor’s office, which is fully staffed, backlogs exist due to vacancies that existed before Prosecutor Dan Helmer took office last November.

After Helmer started, he found hundreds of reports waiting to be reviewed for charges.

They “just sat on a desk until I arrived,” Helmer said. “It took me almost two months to get through those.”

He said a trial hadn’t occurred in almost two years, with cases being set for trial numerous times, only to be adjourned due to lack of prosecution staff.

The court-appointed defense attorney system is state-funded, unlike prosecutors who are funded at the county level. That contributes to a disproportionate number of defenders and prosecutors, he said.

“Prosecutors now have a higher caseload, prosecutors have a higher stress level, prosecutors are doing more for less money and it’s very hard to encourage people to take these jobs,” Helmer said.

Adam Gershowitz, a professor of criminal law at William & Mary Law School in Virginia published a study last year about a national prosecutor vacancy crisis. Michigan was included in the study.

Alongside salary reasons, he found other contributing factors.

The first resulted from the COVID-19 pandemic, which added to a backlog of cases. It also led to many people working from home, which is hard for prosecutors who are expected to be in court regularly, said Gershowitz.

That made prosecutor positions less appealing to potential applicants.

Gershowtiz also cited a change in public perception of prosecutors.

“Prosecutors used to be the ‘white hat’ of the criminal justice system,” Gershowitz said. “What I heard from a lot of prosecutors’ offices is that in the wake of the murder of George Floyd, there’s been a sort of shift in the belief that prosecutors are not the ‘moral conscience’ of the criminal justice system.”

In 2020, Floyd, who was Black, was murdered by white Minneapolis police officer Derek Chauvin while three other officers held bystanders back and helped restrain Floyd. The event furthered an already increasing negative stigma on law enforcement.

Gershowitz said public defenders are now more often viewed as that moral conscience, rather than prosecutors.

“If you teach in a law school, you can sense that that’s particularly true generationally with younger folks,” said Gershowitz.

The prosecutor shortage can harm public safety, said Gershowitz.

“The criminal justice system is filled with defendants,” Gershowitz said. “Some of them are guilty, some of them are very dangerous and we want prosecutors to have time to work on those cases, right?”

Gershowitz said prosecutors’ offices have become more aggressive in recruitment.

They’ve been appearing at job fairs more often and advertising more aggressively at law schools. Some offices even attend high schools “to plant the seeds of creating a pipeline to attract students in the future,” Gershowitz said.

Ziegler emphasizes the importance of the job.

“We need people to stay in prosecuting positions long-term, and we need people who are experienced so we can enforce the laws appropriately and properly, and handle the caseloads coming in,” he said.

Check out this article from The Detroit News:

Michigan prosecutors face staffing crisis with repercussions for justice system

Michigan has a prosecution staffing crisis that has delayed criminal cases and sometimes demoralized staff, as prosecutors struggle to deal with backlogs and deliver justice, officials and experts said.

While understaffing in prosecutor offices has been a longtime problem, especially in Michigan's largest county, it has, in some cases, reached extreme circumstances.

In the Upper Peninsula, Houghton County no longer has a head prosecutor and has been taken over by Michigan Attorney General Dana Nessel's Office until the position can be filled. The last prosecutor, the former mayor of Hancock, resigned last month after two months, telling a local television station that he was unable to hire any assistant prosecutors to help him run the office.

In Clinton County, stressors have spilled over outside the office, harming relationships with police, defense attorneys, victims, and victim advocates to the point where the Clinton County Board of Commissioners hired an outside firm to look into what's wrong in the office.

And Wayne County is missing about one-fifth of its workforce, with 36 vacancies in a 200-prosecutor office. While this is down from 47 vacancies the office had in January, Prosecutor Kym Worthy said her office is struggling to recruit and retain prosecutors.

We have a huge caseload that no prosecutor really should have," Worthy said. "People know if they work in Wayne County for years, they can walk into another county making more money doing less work. ... We have to, and we are engaging significant and out of the box thinking to try to recruit more people to the office."

Wayne County Prosecutor Kym Worthy said she is getting more job inquiries since her office got pay raises for starting assistant prosecutors, but the understaffing issue remains a problem. "We have a huge caseload that no prosecutor really should have," Worthy said.

Jakkar Aimery, The Detroit News

Experts say short-staffed prosecutor's offices lead to heavy caseloads for staff, which can, in turn, speed up prosecutor burnout and slow down the handling of cases in an already overwhelmed justice system. It also leads to turnover, less continuity in who is handling cases and attorneys who are more likely to give plea bargains.

The entire state is facing a shortage of prosecutors, said Kalamazoo County Prosecutor Jeff Getting. A Prosecuting Attorneys Association of Michigan report from April 2022 found that all of the 28 counties studied were understaffed.

Prosecutors' offices are and have been chronically understaffed," said Getting, who is also the president of the Prosecuting Attorneys Association of Michigan.

The problem of recruiting prosecutors is also nationwide, said Howard Henderson, the founding director of the Center for Justice Research at Texas Southern University.

Prosecutors will tell you, well, because we have a shortage of folks, we have high rates of burnout, we have high rates of turnover, we have extended case processing time," Henderson said. "They're more likely to err, more likely to plea bargain and more likely to have high turnover. ... Those situations diminish a prosecutor's ability to address disparities and adhere to constitutional restraints."

In his research, Henderson and his team found that the larger a prosecutor's caseload was, the more likely they were to offer plea bargains.

"How many people have cases that they would have won had they not plea bargained?" Henderson said. "Research found that Black folks are more likely to plea bargain in situations where if they went to trial, they would have been innocent."

High caseloads

Understaffing has always been an issue in Wayne County, even dating back to when she was an assistant prosecutor in the 1980s, said Worthy, who has been the county prosecutor since 2004. Things got a lot worse with the COVID-19 pandemic.

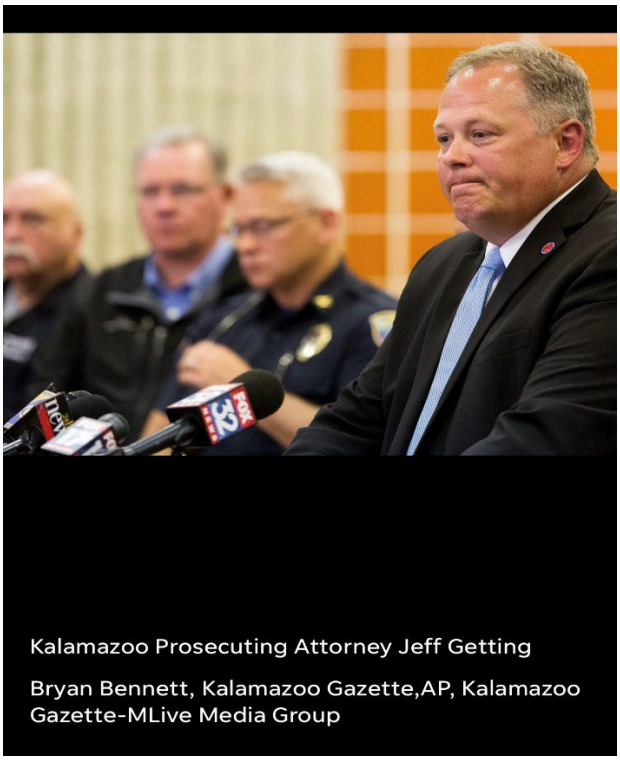
Since the county signed a new contract with the Wayne County Government Bar Association in September that gave increases in starting salaries, Worthy said they have had more people inquiring about a job with the office, including attorneys who have left and now may want to come back. They are still having a hard time recruiting more experienced attorneys, she said.

"Obviously, if we have more personnel, or retained more prosecutors, we could more evenly distribute caseloads," Worthy said.

Wayne County currently has 163 assistant prosecutors and 36 vacancies. The U.S. Bureau of Justice Statistics says it should have more than 500 assistant prosecutors, but Worthy said she doesn't need that many. She'd like at least 225 to distribute cases better and even out workloads.

In Kalamazoo County, the number of pending felony cases has nearly doubled, going from 650 in 2017 to 1,150 in 2023, Getting said.

We've seen this explosion in the number of cases assigned at any given time to prosecutors, and we need to make sure have the staffing necessary to address that," Getting said.



Kalamazoo Prosecuting Attorney Jeff Getting

Bryan Bennett, Kalamazoo Gazette,AP, Kalamazoo Gazette-MLive Media Group

Some of this reflects remnants of a backlog of cases that built up during the pandemic and an increase in litigation since the Michigan Indigent Defense Commission started in 2013, Getting said. Defense lawyers for indigent clients are getting more pay so they can spend more time on cases, which has led to more motions and trials, he said.

But prosecutors are also dealing with an increased volume of evidence to go through now, he said, as more police departments get body cameras, and more people have security systems at their homes and businesses.

Cases have become more serious, too, Getting said, which means there are more cases that take longer to handle. A meth possession case takes far less time than a homicide. When there

are more serious cases being charged, he said, offices have to devote resources to them, which takes away their ability to handle everything else.

When we are already understaffed and have to shift resources to handle those cases, there's less to deal with all of the everyday load," Getting said.

The case overload has consequences for justice, one expert said. Not understanding all the negative effects of overworked prosecutors is dangerous, Texas Southern University's Henderson said.

"The last thing I want as a defendant is a prosecutor that doesn't have time to look at my case," Henderson said. "How many wrongful convictions have we encountered because the prosecutor was overworked? … An argument can be made that heavy caseloads undermine justice, and when a prosecutor juggles hundreds or thousands of cases, they may or may not be able to serve justice."

Cyclical understaffing

Getting echoed the sentiment.

We have huge caseloads with attorneys trying to manage too many cases," Getting said. "That leads to stress and burnout. That combined with the low salaries that we pay leads people to leave. And we can't attract new people because of low starting salaries."

Even Wayne County's pay — with its recently negotiated an increase in starting salaries going from $60,000 to $75,000 a year — is still "significantly less" than what someone can make in the private sector, Getting said. In private practice, attorneys will be better compensated, will have a lower workload and will be less stressed, he said.

In 2013, when Getting was elected, a job posting would get 50 applicants in the first 10 days. Now, he gets 10 resumes in 10 months. He's continuously had an opening in the office this year, but not because he can't hire someone. It's because he's in a cycle of losing two attorneys, hiring one person to replace them, then losing another two, he said.

"We're absolutely working at a deficit from what fully staffed would be," Getting said. "It's not a Kalamazoo-centric problem. It's not a west Michigan problem. It's not even just a Michigan problem. It's a national problem right now."

For law school graduates who likely have significant student loan debt, they "simply can't afford to come work for a prosecutor's office," Getting said. And it doesn't help that fewer people are starting law school; the American Bar Association reported in 2022 that first-year law student admission dropped 11%.

Some common approaches to decreasing workloads have been increasing diversion programs, better triaging cases, prioritizing cases with the strongest evidence and relying on automation in case management systems, Henderson said.

Prosecutors' offices need to go through their cases and find which ones can be dismissed and are a waste of resources, Henderson said. They also need to use diversion programs for people charged with things like drunk driving, low-level drug possession, retail fraud and other non-violent cases. Those programs provide services such as treatment and mental health care in a bid to prevent repeat offenses.

You can't get yourself out of it if you don't look at other ways (to fix the issue)," Henderson said. "It's so daunting."

Case study of a struggling office

The situation became contentious enough in Clinton County that the county Board of Commissioners hired an independent agency to examine the prosecutor's office, which has been criticized by police, defense attorneys, victim advocates and victims over the past year. Prosecutor Tony Spagnuolo, who did not respond to requests for comment, was fined $3,000 over four months for failing to properly give evidence to defense attorneys in a sexual assault case.

Clinton County Prosecutor Tony Spagnuolo via Facebook

The report found several contributing factors to the struggling office, most notably high turnover because of a lack of pay, benefits and work/life balance. At the time the report was published in July, 54% of the office staff had been in the office for less than two years.

The prosecutor's office told investigators it does not have the resources needed to do all its work, but the report found that unfilled, funded positions are causing the most issues.

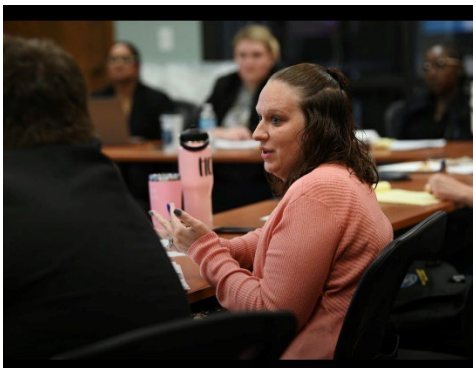
As the department has been unable to stay fully staffed, it has created a spiral of additional challenges that make it harder to solve the initial staffing issue," according to the report. "As roles remain unfilled, it creates stress on all other staff members who then must take on the additional work burden. This makes it more difficult for new staff members to be onboarded and trained — and in some cases, even hired."

Guidepost investigators said first, the office needs to fill and maintain the open, funded positions as well as increase pay for existing attorneys to become increasingly competitive in the state.

People can make a big difference in prosecution'

One of the ways to help fill open positions, Henderson said, is for law schools to do a better job at making prosecution appealing for students.

"It's not sexy in social justice circles. ... It's not attractive," Henderson said. "But there's a lot you can do and a huge impact you can have on society. You have the ability to decide which cases are being tried and which cases you're going to divert from the system. We need good people in prosecution just like we need good people in public defense.



Heidi Lindermuth participates in group training with assistant prosecutors at the office of the Prosecuting Attorneys Association of Michigan. Prosecutors have a huge impact on society, an expert said, even though the jobs are "not sexy in social justice circles."

Clarence Tabb Jr., Detroit News

Kalamazoo County's Getting said his office reviews more than 7,000 cases each year for charges and denies about a quarter of them. He said they are the first line of defense for people accused of a crime.

Anyone who wants to be involved in the goals of criminal justice reform should be working in a prosecutor's office, because we're the ones making determinations about how cases should be resolved," Getting said. "People can make a big difference in prosecution."

kberg@detroitnews.com

https://www.oregonlive.com/crime/2022/03/multnomah-county-das-office-overwhelmed-with-heavy-workload-exodus-of-12-prosecutors-in-last-year-chief-deputy-says.html

https://www.city-journal.org/why-are-so-many-prosecutors-leaving-their-jobs

New York Times

Why Hundreds of New York City Prosecutors Are Leaving Their Jobs

New burdens, low pay and pandemic malaise prompted the resignations of a fifth of the legal work force in Manhattan, the Bronx and Brooklyn.

By Jonah E. Bromwich
April 3, 2022Updated 12:30 p.m. ET

New York City's **prosecutors are leaving in droves, citing pandemic burnout, low salaries** and two intersecting laws that fundamentally changed the nature of their jobs.

"They just simply can't do it anymore," Darcel Clark, the Bronx district attorney, said in a Friday interview. "**The money is not where it should be, and the work-life balance is just unmanageable**."

This year alone, 36 have left the Brooklyn district attorney's office and 44 Manhattan's. At least 28 have left the Bronx, and the nine Staten Island assistant district attorneys **who have left this year represented about 10 percent of that office's prosecutorial staff**. The Queens office told the New York City Council that it was on track this year to more than double last year's resignations.

In the past year, the Manhattan and Brooklyn district attorneys, who have about 500 prosecutors **each, lost almost a fifth of that work force**, a sharp increase from attrition averages before 2020. The Bronx is shedding lawyers at a similar pace, a total of 104 since July.

The district attorneys are replacing their previous employees when they can, **often exchanging experienced prosecutors for untested ones.**

When the pandemic arrived in New York two years ago, it disrupted nearly all court proceedings. At the same time, two new state laws took effect governing discovery — the sharing of all evidence, potential evidence and other case-related material. Prosecutors say the measures, which were intended to make trials fairer to defendants, create onerous amounts of paperwork.

The first law requires prosecutors to obtain and hand over hundreds of documents on many cases, a demanding task that can impede interviewing witnesses and otherwise preparing for court. A second law ties the handover of that material to the speedy trial clock, creating deadline pressure for prosecutors to collect all the material once charges are filed. (That law is known as Kalief's law, named for Kalief Browder, a teenager who committed suicide after being held on Rikers Island for three years without a trial.)

For instance, if a defendant blew into a breathalyzer, a defense attorney is entitled to six months worth of calibration reports on that device. Prosecutors also have a continuing obligation to hand over a similar number of calibration reports filed after the defendant used the device.

The new laws aren't the only reason for departures. District attorneys say that **their city-funded budgets are too thin to allow them to pay prosecutors competitively**. Despite the cost of living in Manhattan and Brooklyn, starting salaries for prosecutors in those boroughs is $ s $72,000. In the Bronx it is $75,121.

And, of course, the trend has coincided with the pandemic, which has caused record numbers of voluntary resignationsacross all industries.

District attorneys say their employees are struggling. Ms. Clark said her office's lawyers, inundated with paperwork, could make $30,000 more doing similar tasks for law firms, which might also let them work from home. "Why not do that?" she said.

The Bronx district attorney, Darcel Clark, in 2021.Credit...Steve Sanchez/SipaUSA

Sign up for the New York Today Newsletter Each morning, get the latest on New York businesses, arts, sports, dining, style and more.Get it sent to your inbox.

State lawmakers rewrote the discovery law in 2019 after defense attorneys said that prosecutors were withholding key evidence. The previous law required them to turn over certain evidence only after defense attorneys had requested it in writing.

State lawmakers rewrote the discovery law in 2019 after defense attorneys said that prosecutors were withholding key evidence. The previous law required them to turn over certain evidence only after defense attorneys had requested it in writing.

2024	APA	Pay	SW	Michigan
COUNTY	2024	STARTING	TOP END	COMMENTS
Kalamazoo	2024	78,603	$151,153*	
Berrien	2024	74,008	125,718**	Commissioners increased APA pay scale April 18, 2024. Prior APA pay scale had been 61,163 to 109,093.
Van Buren	2024	60,293	108,260	APA salary range will increase in 2025 to 62,102 to 111,507
Allegan	2023	75,587	98,987	Prosecutor is currently working to increase pay scale for APA's. Including adding an APA III Grade.
St. Joe	2024	54,000	87,700	Has lost 75% of APA staff Down to 1 APA. County Commissioners have set up a Committee, chaired by the Prosecutor, to provide recommendations for attorney pay increases including CAPA.
Cass	2024	57,509 (proposed: 63,368)	82,379 (proposed 92,985)	Presently down one licensed APA. Have been down one or two (40% of APA workforce) licensed attorneys much of last two years. Has experienced turnover of the entire APA staff in last two calendar years (five APA'S). All for higher paying jobs. Four of the five remained in prosecution.

*Includes Chief Trial Prosecutor. Without CTP, top end is $120,000.
*Includes supervising APA'S. Top end for non-supervising APA'S is $134,950

BRANCH COUNTY UNIFORM SALARY SCALE
PROSECUTOR-NON UNION

LEVEL	POSITION	DEPARTMENT			HIRE	6 MONTHS	1 YEAR	2 YEAR	3 YEAR	4 YEAR	5 YEAR
14	ASSISTANT PROSECUTOR II	PROSECUT	2021	2.60%	$68,905	$70,973	$71,867	$74,969	$78,271	$81,573	$85,172
			11/08/2021	3.04%	$71,000	$73,130	$74,051	$77,248	$80,651	$84,053	$87,761
			2022	4.56%	$74,237	$76,465	$77,428	$80,770	$84,328	$87,886	$91,763
			2023	5.50%	$78,320	$80,671	$81,687	$85,212	$88,966	$92,720	$96,810
15	OPEN		2021	2.60%	$70,495	$72,060	$73,726	$77,080	$80,534	$84,237	$88,062
			11/08/2021	3.04%	$72,638	$74,250	$75,967	$79,424	$82,982	$86,797	$90,739
			2022	4.56%	$75,950	$77,636	$79,431	$83,045	$86,766	$90,755	$94,877
			2023	5.50%	$80,127	$81,906	$83,800	$87,612	$91,538	$95,747	$100,095
16	CHIEF ASSISTANT PROSECUT	PROSECUT	2021	2.60%	$79,814	$81,552	$83,316	$86,920	$90,697	$94,673	$98,847
			11/08/2021	3.04%	$82,240	$84,032	$85,849	$89,562	$93,454	$97,551	$101,852
			2022	4.56%	$85,991	$87,863	$89,764	$93,646	$97,715	$101,999	$106,496
			2023	5.50%	$90,720	$92,695	$94,701	$98,796	$103,089	$107,609	$112,353

**** Level 14 and 16 include on $2500.00 call pay in annual salary**

CASS COUNTY PROSECUTOR'S OFFICE ANNUAL BUDGET SAVINGS/DEFICIT OVER PAST 21 YEARS

1. **2002-2003** budget savings of: **$45,841** ($45,841)
2. **2003-2004** budget savings of**:** **$46,240** ($92,080)
3. **2004-2005** budget savings of **$10,168** ($102,248)
4. **2005-2006** budget savings of: **$4,930** ($107,178)
5. **2006-2007** budget savings of: **$30,029** ($137,207)
6. **2007-2008** budget savings of **:** **$4,679** ($141,886)
7. **2008-2009** budget deficit of : **$1,245** ($140,641)
8. **2009-2010** budget savings of : **$16,617** ($157,258)
9. **2010-2011** budget savings of : **$28,388** ($185,646)
10. **2011-2012** budget savings of: **$14,814** ($200,460)
11. **2012-2013** budget savings of: **$25,546**($226,006)
12. **2013-2014** budget savings of: **$50,394** ($276,400)
13. **2014-2015** budget savings of**:** **$23,640** ($300,040)
14. **2015-2016** budget savings of: **$10,874** ($310,914)
15. **2016-2017** budget savings of **$51,571** ($362,485)
16. **2017-2018** budget savings of **$12,726** ($375,211)
17. **2018-2019** budget savings of **$75,448** ($450,659)
18. **2019-2020** budget savings of **$29,830** ($480,489)
19. **2020-2021** budget savings of **$24,137** ($504,626)
20. **2021-2022** budget savings of **$18,170** ($522,796)
21. **2022-2023** budget savings of **$175,800** ($698,596)

2003-2023 Budget savings **$698,596**

22. **2023-2024** estimated budget savings: **$57,522**