

Agenda
Tuscola County Board of Commissioners
Committee of the Whole – Monday, June 12, 2017 – 8:00 A.M.
HH Purdy Building - 125 W. Lincoln, Caro, MI

Finance
Committee Leaders-Commissioners Kirkpatrick and Bierlein

Primary Finance

1. EDC Future Potential Organizational Restructure
2. Tuscola County Policies and Procedures Over Federal Awards (See A)
3. Child Care Fund Budget Amendment Request
4. Indigent Defense Update (See B)
5. Action Requested Concerning Ontario Power Generation Plan to Construct a Nuclear Waste Repository (See C)
6. Letter from Insurance Company Regarding Certain Coverage
7. Vanderbilt Park Grant
8. Caro Regional Center Update
9. Computer Hacking Concerns and Potential Mitigation Methods
10. Road Patrol and Senior Citizen Millage Planning Update
11. House Bill 4184 – Potential Physical Presence Required to Vote (See D)
12. July 12, 2017 Meeting to Discuss Value Added Agriculture (See E)
13. Development of Parameters for 2017 Labor Negotiations

On-Going and Other Finance

1. Human Development Commission CDBG Housing Rehabilitation Loan
2. Monitor Wind Turbine Development and Assessing/Taxation Dispute
3. Continue Review of Road Commission Legacy Costs
4. Century Link Millennia Invoice

Personnel
Committee Leader-Commissioner Bardwell

Primary Personnel

1. Refilling County Planning Commission Member Vacancy

On-Going and Other Personnel

1. Reporting Relationship (Nepotism Policy)
2. Initiate Turnover and Wage Survey to Minimize Vulnerability to Loss of Critical Positions
3. Update Personnel Policies with Federal Changes such as ACA, Exempt/non-Exempt
4. Develop Parameters for 2017 Labor Negotiations
5. Review Re-Establishment of Judicial Committee Meetings
6. Review Formation of Quarterly Meetings with Senior Leaders and Road Commissioners
7. Develop a Method to Communicate County Concerns to State Senator and Representative

Building and Grounds
Committee Leaders-Commissioners Young and Vaughan

Primary Building and Grounds

1. Jail Plumbing Update

On-Going and Other Building and Grounds

1. Update 10 Year Capital Improvement Plan
2. Continue Work with Jail Planning Regarding Potential Jail Renovation and Additional Jail Bed Space for Holding Cells and Potential Revenue Generation
3. Implement 2017 Budgeted Capital Improvement Projects
4. Fire Safety Planning
5. Security/Safety Committee – Methods to Enhance Security – Next Steps

Other Business as Necessary

1. **MAC Director Curry to Attend 6/15/17 Board Meeting**
2. **Letter from CDC Regarding Health Survey (See F)**

Public Comment Period

2016

Tuscola County Policies and Procedures over Federal Awards



Controller/Administrators Office

12/31/2016

Tuscola County

Policies and Procedures – Federal Awards Administration

Grant Administration

Tuscola County does not have a centralized grants department, therefore it is the responsibility of each department obtaining a grant to care for and be familiar with all grant documents and requirements. If a grant is Federal, the department should immediately notify the Controller/Administrator for inclusion in the County's Single Audit. For the purpose of this policy "Program Director" applies to the individual within a given department who will be responsible for the grant.

1. Grant Development, Application, and Approval –

a. Legislative Approval – The point at which legislative approval is required is determined by the requirements of the grant program. If the grant must be submitted by "an individual authorized by the legislative body", then Board approval is required prior to submitting the application. If such legislative approval is not specifically required by the written terms of the grant, then the department head may, at his or her discretion, approve grant applications. In this case, a copy of the application shall be sent to the Administrator's office. If an award is given, a copy of the agreement shall also be furnished to the Administrator's office. Electronic copies are preferable.

b. Matching Funds – Grants that require cash local matches must be coordinated through the Administrator's office. At a minimum, funds must be identified within the existing budget to provide the match, or a budget adjustment will be required. Depending on the nature of the grant, there may also be some policy implications that will bear discussion. (For example, will the grant establish a level of service that cannot be sustained once the grant funds are depleted?)

c. Grant Budgets – Most grants require the submission of an expenditure budget. The department head should review this portion of the grant request prior to submission. The Budget Director will need to be contacted regarding personnel projections.

2. Grant Program Implementation –

a. Notification and Acceptance of an Award – Official notification of a grant award is typically sent by a funding agency to the program director and/or other official designated in the original grant proposal. However, the authorization to actually spend grant funds is derived from the Board through the approval of a grant budget. This is done with the adoption of the Government-wide operating budget, as the grant budget is a component of such.

b. Establishment of Accounts – The department that obtained the grant will provide the Administrator's office with information needed to establish revenue and expense accounts for the project. Ordinarily, this information will include a copy of a summary of the project and a copy of the full project budget.

c. Purchasing Guidelines – All other Government purchasing and procurement guidelines apply to the expenditure of grant funds. The use of grant funds does not exempt any purchase from normal purchasing requirements. All typical paperwork and bidding requirements apply. All normal staff approvals apply. When in doubt, the Program Director should contact the Administrator's office for further assistance.

3. Financial and Budgetary Compliance –

a. Monitoring Grant Funds – Departments may use some internal mechanism (such as a spreadsheet) to monitor grant revenues, expenditures and budgetary compliance, however all such financial information will also be maintained in the County's finance software at some level. The finance software is considered to be Tuscola County's "official" accounting system. Ultimately, the information in this system is what will be audited and used to report to governing boards, not information obtained from offline spreadsheets. Program Directors are strongly encouraged to use inquiries and reports generated directly from the finance software to aide in grant tracking. If any "off-system" accounting records are maintained, it is the responsibility of the Program Director to ensure that the program's internal records agree to the County's accounting system.

b. Fiscal Years – Occasionally, the fiscal year for the granting agency will not coincide with the County's fiscal year. This may require adjustments to the internal budget accounts and interim financial reports as well as special handling during fiscal year-end close. It is the responsibility of the department head to oversee grant budgets within his/her department and to bring such discrepancies to the attention of the Administrator's office at the time the grant accounts are established.

c. Grant Budgets – When the accounting structure for a grant is designed, it will include the budget that was prepared when the grant application was submitted. The terms of each specific grant will dictate whether any budget transfers between budgeted line items will be permitted. In no case will the Program Director be authorized to exceed the total budget authority provided by the grant.

If grant funds have not been totally expended by fiscal year-end, it is the responsibility of the Program Director to notify the Budget Director that budget funds need to be carried forward to the new fiscal year, and to confirm the amounts of such carry-forwards. This can be done during the County's normal annual budgeting process. Carry-forwards of grant funds will be subjected to maximum allowable amounts/percentages based on the grant award agreement and/or the Uniform Guidance compliance supplement.

d. Capital Assets – Tuscola County is responsible for maintaining an inventory of assets purchased with grant monies. The County is accountable for them and must make them physically available for inspection during any audit. The Finance Coordinator must be notified immediately of any sale of these assets. Customarily, the proceeds of the sale can only be used on the grant program that purchased them. In most cases, specific governing regulations can be found in the original grant.

The individual department overseeing the grant will coordinate this requirement. All transactions that involve the acquisition or disposal of grant funded fixed assets must be immediately brought to the attention of the Finance Coordinator.

4. Record Keeping –

a. Audit Workpapers – The County’s external auditors audit all grants at the end of each fiscal year. The department who obtained the grant will prepare the required audit workpapers. These will then need to be sent to the Finance Coordinator within a reasonable time following year end.

b. Record Keeping Requirements – Grant record keeping requirements may vary substantially from one granting agency to another. Consequently, a clear understanding of these grant requirements at the beginning of the grant process is vital. The Program Director within a department applying for a grant will maintain copies of all grant draw requests, and approved grant agreements (including budgets).

Uniform Guidance Compliance Supplement - General Information

Board Policies. The following financial policies have been separately reviewed and approved by the Board of Commissioners. These policies may be incorporated into this document by reference. All of the policies below are applicable to Federal grants where appropriate:

ACH – Electronic Transactions Policy

Authority to sign contracts

Bidding Policy

Claims Processing Policy

Debit Card Policy

Investment Policy

Purchasing Policy

Vehicle-Travel-Meal Policy

Please see our website for a full listing of policies.

Uniform Guidance Compliance Supplement - Activities Allowed/Unallowed and Allowable Costs/Cost Principles

The requirements for allowable costs/cost principles are contained in the Uniform Guidance, program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

In order to ensure compliance with these requirements, Tuscola County has implemented the following policies and procedures:

1. All grant expenditures will be in compliance with the Uniform Guidance, State law, County Government policy, and the provisions of the grant award agreement will also be considered in determining allowability. Grant funds will only be used for expenditures that considered reasonable and

necessary for the administration of the program.

2. Grant expenditures will be approved by the department head when the bill or invoice is received. The terms and conditions of the Federal Award will be considered when approving. The approval will be evidenced by an electronic approval in the finance software. Accounts payable disbursements will not be processed for payment until necessary approval has been obtained.
3. Payroll costs will be documented in accordance with the Uniform Guidance. Specifically, compensation for personal services will be handled as set out in §200.430 and compensation for fringe benefits will follow §200.431 of the Uniform Guidance.
4. An indirect cost rate will only be charged to the grant to the extent that it was specifically approved through the grant budget/agreement.

Uniform Guidance Compliance Supplement - Cash Management

Source of Governing Requirements – The requirements for cash management are contained in the Uniform Guidance, program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

In order to ensure compliance with these requirements, Tuscola County has implemented the following policies and procedures:

1. Most of the County's grants are awarded on a reimbursement basis. As such, program costs will be expended and disbursed prior to requesting reimbursement from the grantor agency. If Federal grant funds are received first, care will be taken in order to minimize the time elapsing between receipt of Federal funds and disbursement to contractors/employees/subrecipients according to §200.302 (6) of the Uniform Guidance.
2. Cash draws will be initiated by the Program Director who will determine the appropriate draw amount. Documentation of how this amount was determined will be retained. Payments and travel costs will be handled in a manner consistent with the County's existing Accounts Payable policies and in accordance with §200.305 (payments) and §200.474 (travel costs) of the Uniform Guidance.
3. The physical draw of cash will be processed in the County's finance software, or through the means prescribed by the grant agreement for other awards.
4. Supporting documentation or a copy of the cash draw paperwork will be filed along with the approved paperwork described above and retained for audit purposes.

Uniform Guidance Compliance Supplement - Eligibility

Source of Governing Requirements – The requirements for eligibility are contained in program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

Additional Policies and Procedures. The following policies and procedures will also be applied, to the extent that they do not conflict with or contradict the existing Board policies listed on page 3:

1. Federal grants will only benefit those individuals and/or groups of participants that are deemed to be eligible.
2. Initial eligibility determinations will be made by the Program Director based on the grant award/contract. Sufficient documentation to support these determinations will be retained and made available to administration, auditors, and pass-through or grantor agencies, upon request. It is the department's responsibility to maintain complete, accurate, and organized records to support eligibility determinations.

Uniform Guidance Compliance Supplement - Equipment and Real Property Management

Source of Governing Requirements – The requirements for equipment are contained in the Uniform Guidance, program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

Additional Policies and Procedures. The following policies and procedures will also be applied, to the extent that they do not conflict with or contradict the existing Board policies listed on page 3:

In order to ensure compliance with these requirements, Tuscola County has implemented the following policies and procedures:

1. All equipment will be used in the program for which it was acquired or, when appropriate, other Federal programs.
2. When required, purchases of equipment will be pre-approved by the grantor or pass-through agency. The Program Director will be responsible for ensuring that equipment purchases have been previously approved, if required, and will retain evidence of this approval.
3. Property/Equipment records will be maintained, a physical inventory shall be taken every two years, and an appropriate system shall be used to safeguard assets.
4. When assets with a current per unit fair market value of \$5,000 or more are no longer needed for a Federal program, a request for written guidance shall be made from the grantor agency as to what to do with the property/equipment prior to sale or relocation. The County shall abide with the requirements set out in §200.311 and §200.313 of the Uniform Guidance in this regard. If a sale will take place, proper procedures shall be used to provide for competition to the extent practical and result in the highest possible return.

Uniform Guidance Compliance Supplement - Matching, Level of Effort and Earmarking

Source of Governing Requirements – The requirements for matching are contained in the Uniform Guidance, program legislation, Federal awarding agency regulations, and the terms and conditions of the award. The requirements for level of effort and earmarking are contained in program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

Tuscola County defines “matching”, “level of effort”, and “earmarking” consistent with the definitions of the Uniform Guidance Compliance Supplement:

Matching or cost sharing includes requirements to provide contributions (usually non-Federal) or a specified amount or percentage of match Federal awards. Matching may be in the form of allowable costs incurred or in-kind contributions (including third-party in-kind contributions).

Level of effort includes requirements for (a) a specified level of service to be provided from period to period, (b) a specified level of expenditures from non-Federal or Federal sources for specified activities to be maintained from period to period, and (c) Federal funds to supplement and not supplant non-Federal funding of services.

Earmarking includes requirements that specify the minimum and/or maximum amount or percentage of the program’s funding that must/may be used for specified activities, including funds provided to subrecipients. Earmarking may also be specified in relation to the types of participants covered.

In order to ensure compliance with these requirements, the County has implemented the following policies and procedures:

1. Compliance with matching, level of effort, and earmarking requirements will be the responsibility of Program Director.
2. Adequate documentation will be maintained to support compliance with matching, level of effort, and earmarking requirements. Such information will be made available to administration, auditors, and pass-through or grantor agencies, as requested.

Uniform Guidance Compliance Supplement - Period of Performance

Source of Governing Requirements – The requirements for period of performance of Federal funds are contained in the Uniform Guidance, program legislation, Federal awarding agency regulations, and the terms and conditions of the award. In order to ensure compliance with these requirements, Tuscola County has implemented the following policies and procedures:

1. Costs will be charged to an award only if the obligation was incurred during the funding period (unless pre-approved by the Federal awarding agency or pass-through grantor agency).
2. All obligations will be liquidated no later than 90 days after the end of the funding period (or as specified by program legislation).
3. Compliance with period of performance requirements will initially be assigned to the Program Director. All AP disbursements are subject to the review and approval of accounts payable staff and the committee as part of the payment process.

Uniform Guidance Compliance Supplement - Procurement, Suspension and Debarment

Source of Governing Requirements – The requirements for procurement are contained in the Uniform Guidance, program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

The requirements for suspension and debarment are contained OMB guidance in 2 CFR part 180, which implements Executive Orders 12549 and 12689, Debarment and Suspension; Federal agency regulations in 2 CFR implementing the OMB guidance; the Uniform Guidance; program legislation; Federal awarding agency regulations; and the terms and conditions of the award.

In order to ensure compliance with these requirements, Tuscola County has implemented the following policies and procedures:

1. Purchasing and procurement related to Federal grants will be subject to the general policies and procedures of the County. (See County Bidding Policy.)
2. Contract files will document the significant history of the procurement, including the rationale for the method of procurement, selection of the contract type, contractor selection or rejection, and the basis of contract price.
3. Procurement will provide for full and open competition.
4. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents can neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. If the financial interest is not substantial or the gift is an unsolicited item of nominal value, no further action will be taken. However, disciplinary actions will be applied for violations of such standards otherwise.
5. The County will avoid acquisition of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. The County will also analyze other means, as described in §200.318 of the Uniform Guidance, in order to ensure appropriate and economic acquisitions.
6. The Government is prohibited from contracting with or making subawards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred. "Covered transactions" include those procurement contracts for goods and services awarded under a nonprocurement transaction (i.e., grant or cooperative agreement) that are expected to equal or exceed \$20,000 or meet certain other specified criteria. All nonprocurement transactions (i.e., subawards to subrecipients), irrespective of award amount, are considered covered transactions.

7. Tuscola County will include a suspension/debarment clause in all written contracts in which the vendor/contractor will certify that it is not suspended or debarred. The contract will also contain language requiring the vendor/contractor to notify the Government immediately upon becoming suspended or debarred. This will serve as adequate documentation as long as the contract remains in effect.

8. The Program Director or designee will be responsible for running a year-to-date transaction report from the County's accounting system. Any vendor with accumulated transactions equaling or exceeding \$20,000 that is not subject to a written contract including a suspension/debarment clause or for which a signed statement or suspension or debarment is not on file will be subject to additional procedures. The Program Director or designee will check the Excluded Parties List System (EPLS) maintained by the General Services Administration (GSA) for the vendor name. A potential match will be followed-up on immediately. Each vendor searched on EPLS will be initialed on the vendor transaction report and the report will be signed and dated on the first or last page. The vendor transaction report will be retained as evidence of the control.

9. If a vendor is found to be suspended or debarred, the County will immediately cease to do business with this vendor.

10. Executed contracts and signed quarterly vendor transaction history reports will be retained and filed by the Program Director.

Uniform Guidance Compliance Supplement - Program Income

Source of Governing Requirements – The requirements for program income are found in the Uniform Guidance, program legislation, Federal awarding agency regulations, and the terms and conditions of the award. In order to ensure compliance with these requirements, Tuscola County has implemented the following policies and procedures:

1. Program income will include (but will not be limited to): income from fees for services performed, the use or rental of real or personal property acquired with grant funds, the sale of commodities or items fabricated under a grant agreement, and payments of principal and interest on loans made with grant funds. It will not include interest on grant funds unless otherwise provided in the Federal awarding agency regulations or terms and conditions of the award.

2. The County will allow program income to be used in one of three methods:

- a. Deducted from outlays
- b. Added to the project budget
- c. Used to meet matching requirements

Absent specific guidance in the Federal awarding agency regulations or the terms and conditions of the award, program income shall be deducted from program outlays.

3. Program income, when applicable, will be accounted for as a revenue source in the same program code (whether it be division or project in New World ERP) as the Federal grant.

Uniform Guidance Compliance Supplement - Reporting

Source of Governing Requirements – Reporting requirements are contained in the following documents:

Uniform Guidance, Performance reporting, 2 CFR section 215, Performance reporting, 2 CFR section 215.51, program legislation, ARRA (and the previously listed OMB documents and future additional OMB guidance documents that may be issued), the Transparency Act, implementing requirements in 2 CFR part 170 and the FAR, and previously listed OMB guidance documents, Federal awarding agency regulations, and the terms and conditions of the award.

In order to ensure compliance with these requirements, Tuscola County has implemented the following policies and procedures:

1. Reports will be submitted in the required frequency and within the required deadlines.
2. Reports will be completed using the standard forms (as applicable) and method of delivery (i.e., e-mail, grantor website, postal service, etc.).
3. Regardless of the method of report delivery, a copy of the submitted report will be retained along with any documentation necessary to support the data in the report. The report will evidence the date of submission in order to document compliance with timeliness requirements. This may be done either physically or electronically.
4. Financial reports will always be prepared based on the general ledger using the required basis of accounting (i.e., cash or accrual). In cases where financial data is tracked outside of the accounting system (such as in spreadsheets or paper ledgers), this information will be reconciled to the general ledger prior to report submission.
5. Any report with financial-related data will either be prepared or reviewed by the Program Director and will have the appropriate review based on specific grant guidelines.
6. Preparation of reports will be the responsibility of Program Director. All reports (whether financial, performance, or special) must be reviewed and approved (as applicable) prior to submission. This will be evidenced by either physical signatures or electronic timestamps of approval.
7. Copies of submitted reports with preparer and reviewer signatures and data will be filed with supporting documentation and any follow-up correspondence from the grantor or pass-through agency. Copies of all such reports will be made available to administration, auditors, and pass-through or grantor agencies, as requested.

Uniform Guidance Compliance Supplement – Subrecipient Monitoring

Source of Governing Requirements – The requirements for subrecipient monitoring are contained in 31 USC 7502(f)(2)(B) (Single Audit Act Amendments of 1996 (Pub. L. No. 104-156)), Uniform Guidance, program legislation, 2 CFR parts 25 and 170, and 48 CFR parts 4, 42, and 52 Federal awarding agency regulations, and the terms and conditions of the award.

The County will review and oversee subrecipient activity and obtain a copy of their single audit. Other oversight processes and procedures will be established on a case by case basis, dependent on grant requirements and the level of activity of the subrecipient.

Uniform Guidance Compliance Supplement - Special Tests and Provisions

Source of Governing Requirements – The laws, regulations, and the provisions of contract or grant agreements pertaining to the program

Additional Policies and Procedures. The following policies and procedures will also be applied, to the extent that they do not conflict with or contradict the Board policies listed on page 3:

In order to ensure compliance with these requirements, Tuscola County has implemented the following policies and procedures:

1. The Program Director will be assigned the responsibility for identifying compliance requirements for special tests and provisions, determining approved methods for compliance, and retaining any necessary documentation.

Updated to be in compliance with the Uniform Grant Guidance



MICHIGAN INDIGENT
DEFENSE COMMISSION

May 23, 2017

Thomas Bardwell
3540 N. Hurds Corner Rd.
Caro MI 48723

RE: APPROVAL OF MINIMUM STANDARDS FOR INDIGENT DEFENSE
REQUIREMENT FOR FUNDING UNITS TO SUBMIT COMPLIANCE PLANS

Dear Commissioner Bardwell:

Pursuant to the Michigan Indigent Defense Commission (MIDC) Act, the Department of Licensing and Regulatory Affairs (LARA) has approved a first set of minimum standards for indigent criminal defense services. MCL 780.985(3-4).

I have enclosed a copy of these first four standards which involve education and training of defense counsel, the initial client interview, access to investigation and experts, and counsel at first appearance and other critical stages. Local funding units of the trial court now have 180 days from the date of LARA's May 22, 2017 order approving standards to submit compliance plans to the MIDC. MCL 780.993(3). These compliance plans will be due to the MIDC no later than November 20, 2017.

To help implement these compliance plans, the MIDC has six Regional Managers assigned to different parts of the state Regional Manager to assist in the development of compliance plans. Regional Manager I have also enclosed a map with contact information for each Regional Manager.

To begin planning for compliance and projecting costs, please designate one person from the funding unit to serve as a point of contact (POC) for the MIDC. That POC should contact your assigned Regional Manager (see map) as soon as possible.

The MIDC Act is clear that implementation of these compliance plans is conditioned upon state funding. MCL 780.997(2). Local funding units do not need to pay any money above their average annual spending for the three fiscal years prior to July 1, 2013, and compliance costs above this amount **must be paid by the state**. MCL 780.993(6-7). The Regional Managers can help with the calculation of the local share and with projecting costs for compliance. Please be prepared to provide our Regional Managers the names of the attorneys accepting assigned cases for your court. A packet with answers to frequently asked questions is enclosed as a starting point for compliance planning.

There is a lot more detailed information on the MIDC website, including White Papers to help guide development of compliance plans and a guide to reforms of indigent defense delivery systems, www.michiganidc.gov. Please contact me if you have any other questions. The MIDC looks forward to working with you.

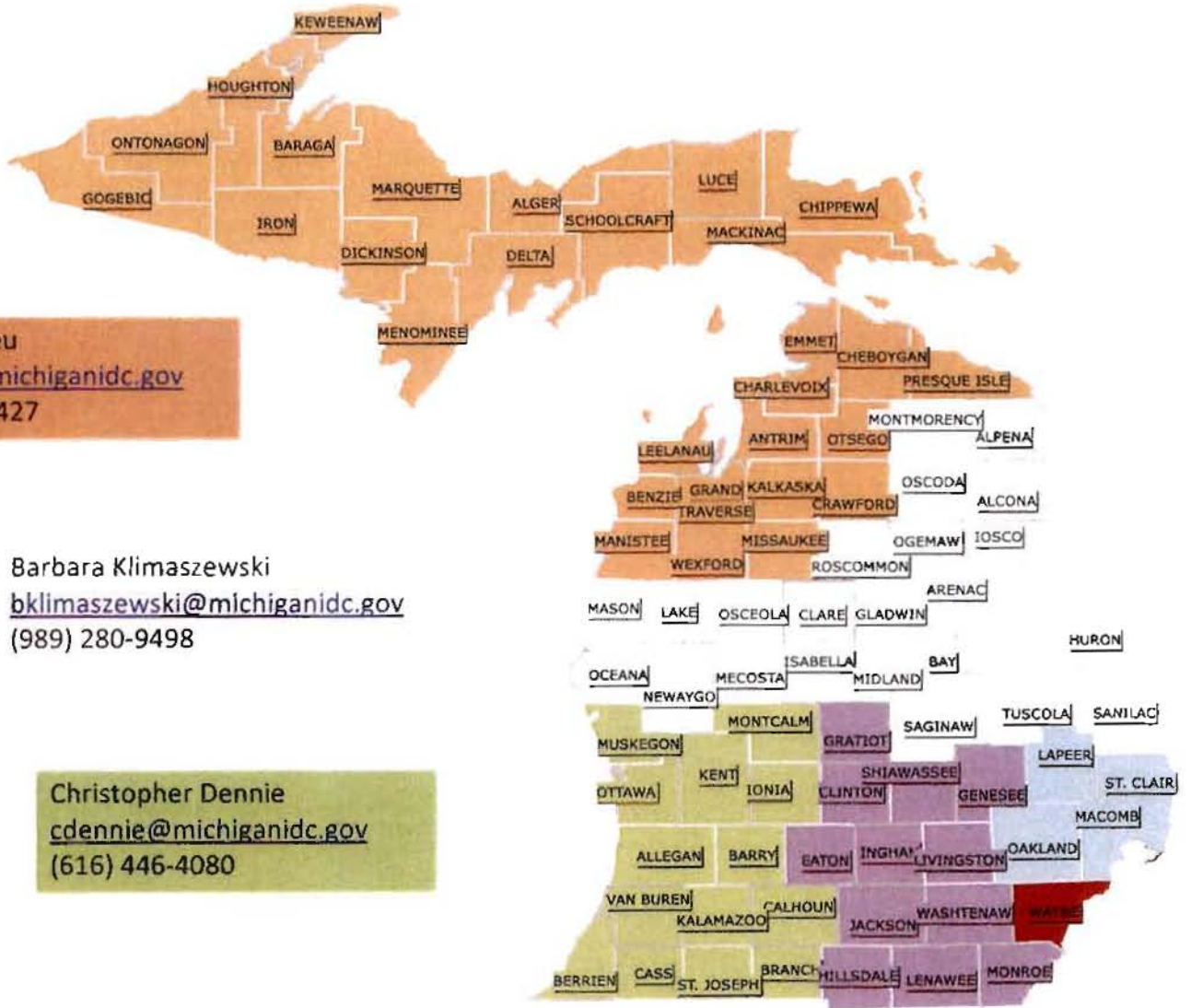
Sincerely,

Jonathan Sacks
Executive Director

Michigan Indigent Defense Commission

Regional Manager Assignments

Contact: Marla McCowan
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RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

In the matter of:

The Michigan Indigent Defense Commission Proposed Minimum Standards

Issued and entered this 22nd day of May, 2017.

NOTICE AND ORDER APPROVING STANDARDS

1. MCL 780.985 outlines the procedure for the Michigan Indigent Defense Commission (MIDC) to propose minimum standards for the local delivery of indigent criminal defense services and for the Department of Licensing and Regulatory Affairs (LARA) to approve or reject those standards.
2. MCL 780.985(4) requires the MIDC to convene a public hearing on the standards. Following a public comment period, the MIDC held a public hearing on a first set of proposed minimum standards on August 18, 2015.
3. After the hearing and public comment, the MIDC submitted these first four proposed standards to the Michigan Supreme Court for consideration on January 4, 2016.
4. The Michigan Supreme Court accepted written comments on the standards beginning January 11, 2016 through May 1, 2016, and held a public hearing on the standards on May 18, 2016.
5. On June 1, 2016, the Michigan Supreme Court issued an order conditionally approving the proposed standards, subject to legislative amendments to the MIDC Act.
6. The legislative amendments went into effect January 4, 2017, shifting the MIDC from an independent agency housed within the Judicial Branch to one within LARA.
7. Pursuant to MCL 780.985(4), the MIDC submitted the standards to LARA for approval or rejection on February 7, 2017.
8. The MIDC Act as amended gave LARA the authority to prescribe a manner for interested parties to voice opposition to the proposed minimum standards. LARA published notice of a 30-day comment period, which ended March 9, 2017.
9. MCL 780.985(4) provides that the proposed minimum standards are final once they are approved by LARA.

IT IS THEREFORE ORDERED THAT

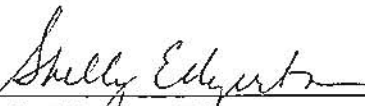
Following review of the standards and public comment, the MIDC's Proposed Minimum Standards 1 - 4 are hereby **APPROVED** by LARA.

The MIDC shall mail notice to indigent criminal defense systems pursuant to MCL 780.985(5). Indigent criminal defense systems shall have 180 days from the date of this order to submit compliance plans to the MIDC pursuant to MCL 780.993(3).

Petition for Review

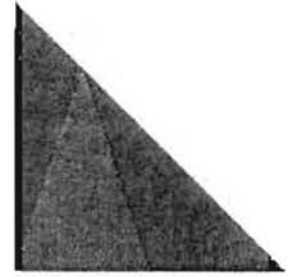
MCL §780.985(5) gives indigent criminal defense systems the ability to file a petition for review to determine whether the approved minimum standard is authorized by law. This petition must be filed in the Court of Claims within 60 days after the date of mailing notice of this Order on the recommended minimum standards.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS



Shelly Edgerton, Director

May 22, 2017
Date



Minimum Standards for Indigent Criminal Defense Services

SET 1 - APPROVED BY THE DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS

May 22, 2017

Compliance plans and cost projections due November 20, 2017

Michigan Indigent Defense Commission

200 N. WASHINGTON SQUARE, 3RD FLOOR, LANSING, MICHIGAN, 48913 | INFO@MICHIGANIDC.GOV
(517) 657-3066
WWW.MICHIGANIDC.GOV

Standard 1 Education and Training of Defense Counsel

The MIDC Act requires adherence to the principle that “[d]efense counsel is required to attend continuing legal education relevant to counsel’s indigent defense clients.” MCL 780.991(2)(e). The United States Supreme Court has held that the constitutional right to counsel guaranteed by the Sixth Amendment includes the right to the effective assistance of counsel. The mere presence of a lawyer at a trial “is not enough to satisfy the constitutional command.” *Strickland v Washington*, 466 US 668, 685; 104 S Ct 2052, 2063; 80 L Ed 2d 674 (1984). Further, the Ninth Principle of The American Bar Association’s *Ten Principles of a Public Defense Delivery System* provides that a public defense system, in order to provide effective assistance of counsel, must ensure that “Defense counsel is provided with and required to attend continuing legal education.”

The MIDC proposed a minimum standard for the education and training of defense counsel. The version conditionally approved by the Court and submitted by the MIDC and approved by the department is as follows:

A. Knowledge of the law. Counsel shall have reasonable knowledge of substantive Michigan and federal law, constitutional law, criminal law, criminal procedure, rules of evidence, ethical rules and local practices. Counsel has a continuing obligation to have reasonable knowledge of the changes and developments in the law. “Reasonable knowledge” as used in this standard means knowledge of which a lawyer competent under MRPC 1.1 would be aware.

B. Knowledge of scientific evidence and applicable defenses. Counsel shall have reasonable knowledge of the forensic and scientific issues that can arise in a criminal case, the legal issues concerning defenses to a crime, and be reasonably able to effectively litigate those issues.

C. Knowledge of technology. Counsel shall be reasonably able to use office technology commonly used in the legal community, and technology used within the applicable court system. Counsel shall be reasonably able to thoroughly review materials that are provided in an electronic format.

D. Continuing education. Counsel shall annually complete continuing legal education courses relevant to the representation of the criminally accused. Counsel shall participate in skills training and educational programs in order to maintain and enhance overall preparation, oral and written advocacy, and litigation and negotiation skills. Lawyers can discharge this obligation for annual continuing legal education by attending local trainings or statewide conferences. Attorneys with fewer than two years of experience practicing criminal defense in Michigan shall participate in one basic skills acquisition class. All attorneys shall annually complete at least twelve hours of continuing legal education. Training shall be funded through compliance plans submitted by the local delivery system or other mechanism that does not place a financial burden on assigned counsel. The MIDC shall collect or direct the collection of data regarding the number of hours of continuing legal education offered to and attended by assigned counsel, shall analyze the quality of the training, and shall ensure that the effectiveness of the training be measurable and validated. A report regarding these data shall be submitted to the Court annually by April 1 for the previous calendar year.

Comment:

The minimum of twelve hours of training represents typical national and some local county requirements, and is accessible in existing programs offered statewide.

Standard 2 Initial Interview

The MIDC Act requires adherence to the principle that “[d]efense counsel is provided sufficient time and a space where attorney-client confidentiality is safeguarded for meetings with defense counsel’s client.” MCL 780.991(2)(a). United States Supreme Court precedent and American Bar Association Principles recognize that the “lack of time for adequate preparation and the lack of privacy for attorney-client consultation” can preclude “any lawyer from providing effective advice.” See *United States v Morris*, 470 F3d 596, 602 (CA 6, 2006) (citing *United States v Cronin*, 466 US 648; 104 S Ct 2039; 80 L Ed 2d 657 (1984)). Further, the Fourth Principle of The American Bar Association’s Ten Principles of a Public Defense Delivery System provides that a public defense system, in order to provide effective assistance of counsel, must ensure that “Defense counsel is provided sufficient time and a confidential space within which to meet with the client.”

The MIDC proposed a minimum standard for the initial client interview. The version conditionally approved by the Court and submitted by the MIDC and approved by the department is as follows:

A. Timing and Purpose of the Interview: Counsel shall conduct a client interview as soon as practicable after appointment to represent the defendant in order to obtain information necessary to provide quality representation at the early stages of the case and to provide the client with information concerning counsel’s representation and the case proceedings. The purpose of the initial interview is to: (1) establish the best possible relationship with the indigent client; (2) review charges; (3) determine whether a motion for pretrial release is appropriate; (4) determine the need to start-up any immediate investigations; (5) determine any immediate mental or physical health needs or need for foreign language interpreter assistance; and (6) advise that clients should not discuss the circumstances of the arrest or allegations with cellmates, law enforcement, family or anybody else without counsel present. Counsel shall conduct subsequent client interviews as needed. Following appointment, counsel shall conduct the initial interview with the client sufficiently before any subsequent court proceeding so as to be prepared for that proceeding. When a client is in local custody, counsel shall conduct an initial client intake interview within three business days after appointment. When a client is not in custody, counsel shall promptly deliver an introductory communication so that the client may follow-up and schedule a meeting. If confidential videoconference facilities are made available for trial attorneys, visits should at least be scheduled within three business days. If an indigent defendant is in the custody of the Michigan Department of Corrections (MDOC) or detained in a different county from where the defendant is charged, counsel should arrange for a confidential client visit in advance of the first pretrial hearing.

B. Setting of the interview: All client interviews shall be conducted in a private and confidential setting to the extent reasonably possible. The indigent criminal defense system shall ensure the necessary accommodations for private discussions between counsel and clients in courthouses, lock-ups, jails, prisons, detention centers, and other places where clients must confer with counsel.

C. Preparation: Counsel shall obtain copies of any relevant documents which are available, including copies of any charging documents, recommendations and reports concerning pretrial release, and discoverable material.

D. Client status:

1. Counsel shall evaluate whether the client is capable of participation in his/her representation, understands the charges, and has some basic comprehension of criminal procedure. Counsel has a continuing responsibility to evaluate, and, where appropriate, raise as an issue for the court the client's capacity to stand trial or to enter a plea pursuant to MCR 6.125 and MCL 330.2020. Counsel shall take appropriate action where there are any questions about a client's competency.
2. Where counsel is unable to communicate with the client because of language or communication differences, counsel shall take whatever steps are necessary to fully explain the proceedings in a language or form of communication the client can understand. Steps include seeking the appointment of an interpreter to assist with pretrial preparation, interviews, investigation, and in-court proceedings, or other accommodations pursuant to MCR. 1.111.

Comments:

1. *The MIDC recognizes that counsel cannot ensure communication prior to court with an out of custody indigent client. For out of custody clients the standard instead requires the attorney to notify clients of the need for a prompt interview.*
2. *The requirement of a meeting within three business days is typical of national requirements (Florida Performance Guidelines suggest 72 hours; in Massachusetts, the Committee for Public Counsel Services Assigned Counsel Manual requires a visit within three business days for custody clients; the Supreme Court of Nevada issued a performance standard requiring an initial interview within 72 hours of appointment).*
3. *Certain indigent criminal defense systems only pay counsel for limited client visits in custody. In these jurisdictions, compliance plans with this standard will need to guarantee funding for multiple visits.*
4. *In certain systems, counsel is not immediately notified of appointments to represent indigent clients. In these jurisdictions, compliance plans must resolve any issues with the failure to provide timely notification.*
5. *Some jurisdictions do not have discovery prepared for trial counsel within three business days. The MIDC expects that this minimum standard can be used to push for local reforms to immediately provide electronic discovery upon appointment.*
6. *The three-business-day requirement is specific to clients in "local" custody because some indigent defendants are in the custody of the Michigan Department of Corrections (MDOC) while other defendants might be in jail in a different county from the charging offense.*
7. *In jurisdictions with a large client population in MDOC custody or rural jurisdictions requiring distant client visits compliance plans might provide for visits through confidential videoconferencing.*
8. *Systems without adequate settings for confidential visits for either in-custody or out-of-custody clients will need compliance plans to create this space.*
9. *This standard only involves the initial client interview. Other confidential client interviews are expected, as necessary.*

Standard 3 Investigation and Experts

The United States Supreme Court has held: (1) "counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." *Strickland v Washington*, 466 US 668, 691; 104 S Ct 2052, 2066; 80 L Ed 2d 674 (1984); and (2) "[c]riminal cases will arise where the only reasonable and available defense strategy requires consultation with experts or introduction of expert evidence, whether pretrial, at trial, or both." *Harrington v Richter*, 562 US 86, 106; 131 S Ct 770, 788; 178 L Ed 2d 624 (2011). The MIDC Act authorizes "minimum standards for the local delivery of indigent criminal defense services providing effective assistance of counsel..." MCL 780.985(3).

The MIDC proposed a minimum standard for investigations and experts. The version conditionally approved by the Court and submitted by the MIDC and approved by the department is as follows:

- A. Counsel shall conduct an independent investigation of the charges and offense as promptly as practicable.
- B. When appropriate, counsel shall request funds to retain an investigator to assist with the client's defense. Reasonable requests must be funded.
- C. Counsel shall request the assistance of experts where it is reasonably necessary to prepare the defense and rebut the prosecution's case. Reasonable requests must be funded as required by law.
- D. Counsel has a continuing duty to evaluate a case for appropriate defense investigations or expert assistance. Decisions to limit investigation must take into consideration the client's wishes and the client's version of the facts.

Comments:

1. *The MIDC recognizes that counsel can make "a reasonable decision that makes particular investigations unnecessary" after a review of discovery and an interview with the client. Decisions to limit investigation should not be made merely on the basis of discovery or representations made by the government.*
2. *The MIDC emphasizes that a client's professed desire to plead guilty does not automatically alleviate the need to investigate.*
3. *Counsel should inform clients of the progress of investigations pertaining to their case.*
4. *Expected increased costs from an increase in investigations and expert use will be tackled in compliance plans.*

Standard 4 Counsel at First Appearance and other Critical Stages

The MIDC Act provides that standards shall be established to effectuate the following: (1) "All adults, except those appearing with retained counsel or those who have made an informed waiver of counsel, shall be screened for eligibility under this act, and counsel shall be assigned as soon as an indigent adult is determined to be eligible for indigent criminal defense services." MCL 780.991(1)(c); (2) "A preliminary inquiry regarding, and the determination of, the indigency of any defendant shall be made by the court not later than at the defendant's first appearance in court. MCL 780.991(3)(a); (3) "...counsel continuously represents and

personally appears at every court appearance throughout the pendency of the case.” MCL 780.991(2)(d)(emphasis added).

The MIDC proposed a minimum standard on counsel at first appearance and other critical stages. The version conditionally approved by the Court and submitted by the MIDC and approved by the department is as follows:

A. Counsel shall be assigned as soon as the defendant is determined to be eligible for indigent criminal defense services. The indigency determination shall be made and counsel appointed to provide assistance to the defendant as soon as the defendant’s liberty is subject to restriction by a magistrate or judge. Representation includes but is not limited to the arraignment on the complaint and warrant. Where there are case-specific interim bonds set, counsel at arraignment shall be prepared to make a de novo argument regarding an appropriate bond regardless of and, indeed, in the face of, an interim bond set prior to arraignment which has no precedential effect on bond-setting at arraignment. Nothing in this paragraph shall prevent the defendant from making an informed waiver of counsel.

B. All persons determined to be eligible for indigent criminal defense services shall also have appointed counsel at pre-trial proceedings, during plea negotiations and at other critical stages, whether in court or out of court.

Comments:

1. The proposed standard addresses an indigent defendant’s right to counsel at every court appearance and is not addressing vertical representation (same defense counsel continuously represents) which will be the subject of a future minimum standard as described in MCL 780.991(2)(d).

2. One of several potential compliance plans for this standard may use an on-duty arraignment attorney to represent defendants. This appointment may be a limited appearance for arraignment only with subsequent appointment of different counsel for future proceedings. In this manner, actual indigency determinations may still be made during the arraignment.

3. Among other duties, lawyering at first appearance should consist of an explanation of the criminal justice process, advice on what topics to discuss with the judge, a focus on the potential for pre-trial release, or achieving dispositions outside of the criminal justice system via civil infraction or dismissal. In rare cases, if an attorney has reviewed discovery and has an opportunity for a confidential discussion with her client, there may be a criminal disposition at arraignment.

4. The MIDC anticipates creative and cost-effective compliance plans like representation and advocacy through videoconferencing or consolidated arraignment schedules between multiple district courts.

5. This standard does not preclude the setting of interim bonds to allow for the release of in-custody defendants. The intent is not to lengthen any jail stays. The MIDC believes that case-specific interim bond determinations should be discouraged. Formal arraignment and the formal setting of bond should be done as quickly as possible.

6. Any waiver of the right to counsel must be both unequivocal and knowing, intelligent, and voluntary. People v Anderson, 398 Mich 361; 247 NW2d 857 (1976). The uncounseled defendant must have sufficient information to make an intelligent choice dependent on a range of case-specific factors, including his education or sophistication, the complexity or easily grasped nature of the charge, and the stage of the proceeding.

Frequently Asked Questions and Answers for Funding Units Planning Compliance with the MIDC Act and MIDC's Standards

Where do I find.....

The MIDC's website: www.michiganidc.gov

Information about the Commission:

<http://michiganidc.gov/michigan-indigent-defense-commission/>

Regional Manager Contact Information (attached and here):

<http://bit.ly/MIDCRMmap>

The MIDC Act (PA 93 of 2013, M.C.L. §780.981 et seq effective July 1, 2013, amended January 4, 2017):

<http://michiganidc.gov/wp-content/uploads/2017/02/mcl-Act-93-of-2013-amended.pdf>

The MIDC's standards for indigent defense delivery systems:

<http://michiganidc.gov/standards/>

White papers to help guide implementation of the first four standards:

<http://michiganidc.gov/wp-content/uploads/2017/03/White-Papers-Complete-Set-with-Standards.pdf>

An overview of the compliance process:

Where does it say in the MIDC Act...



That a "system" means the funding unit...

"'Indigent criminal defense system' or 'system' means either of the following: (i) The local unit of government that funds a trial court. (ii) If a trial court is funded by more than 1 local unit of government, those local units of government, collectively." M.C.L. §789.983(g).

That systems don't have to pay...

"An indigent criminal defense system shall not be required to provide funds in excess of its local share." M.C.L. §780.993. Further, "A system's duty of compliance ... is contingent upon receipt of a grant in the amount contained in the plan and cost analysis approved by the MIDC." M.C.L. 780.997(2).

That systems have to comply...

All indigent defense delivery systems must submit a plan for compliance with the standards enacted by the MIDC. M.C.L. §780.993.

When systems have to submit a compliance plan (initially and yearly requirements)...

"No later than 180 days after a standard is approved by the department, each indigent criminal defense system shall submit a plan to the MIDC for the provision of indigent criminal defense services in a manner as determined by the MIDC and shall submit an annual plan for the following state fiscal year on or before February 1 of each year." M.C.L. §780.993(3).

That Judges are encouraged to participate...

"The delivery of indigent criminal defense services shall be independent of the judiciary but ensure that the judges of this state are permitted and encouraged to contribute information and advice concerning that delivery of indigent criminal defense services." M.C.L. §780.991(1)(a).

That Defense attorneys are equal partners in the criminal justice system...

"The MIDC shall be mindful that defense attorneys who provide indigent criminal defense services are partners with the prosecution, law enforcement, and the judiciary in the criminal justice system." M.C.L. §780.989(4).

Compliance planning process

1. Create a workgroup with local stakeholders. This includes the funding unit, court staff and/or judges, current or future attorneys providing indigent defense services, and prosecutors.
2. Evaluate the local delivery method for compliance with the first set of standards: training and education, initial interviews, use of experts and investigators, and counsel at first appearance and other critical stages.
3. Determine the local share, or funding that must be maintained for the system. A worksheet is attached.
4. Consider the second set of standards proposed by the MIDC, including: independence from the judiciary, caseload capacities, economic incentives and disincentives, and qualification and review of assigned counsel.
5. Weigh the pros and cons of large scale delivery system reform. The MIDC published a guide called *DELIVERY SYSTEM REFORM MODELS: PLANNING IMPROVEMENTS IN PUBLIC DEFENSE* (December 2016), which is available online at <http://bit.ly/midcguide>.
6. Identify a project manager for the workgroup, or point person for questions, concerns and compliance plan submission to the MIDC.
7. Identify and list all attorneys the funding unit intends to provide indigent defense, with contact information, Michigan license (P#) and years of experience practicing criminal defense in Michigan.
8. Draft ideas for compliance with the standards and consult with the MIDC Regional Manager for ideas about compliance models.

Local Share Calculation

"Local share' or 'share' means an indigent criminal defense system's average annual expenditure for indigent criminal defense services in the 3 fiscal years immediately preceding the creation of the MIDC [Act on July 1, 2013]..., excluding money reimbursed to the system by individuals determined to be partially indigent." M.C.L. §780.983.

Note: the local share calculation does not include indirect costs to systems for indigent defense.



MICHIGAN INDIGENT
DEFENSE COMMISSION

Expenditures

- Payments to criminal defense attorneys (contracts, public defenders, appointed systems, hybrid systems) for providing indigent adult criminal defense services
- Payments to experts and private investigators
- Expenses paid to defense counsel related to indigent criminal defense services provided (office supplies, postage, mileage)
- Indigent criminal defense services for adult drug court and counsel for specialty courts (as long as counsel is paid for providing indigent criminal defense services)
- Indigent criminal defense services for criminal contempt
- Indigent criminal defense services for juveniles waived into adult court
- Indigent criminal defense services for appeals from District Court to Circuit Court or interlocutory appeals to the Court of Appeals (rule of thumb: if not SADO or MAACS, it likely qualifies as an expense)

Services Not Included as Expenditures

- Post-sentencing appeals
- Probate
- Abuse and Neglect
- Juvenile delinquency
- Civil Contempt
- Counsel at lineup (pre-charges filed)

Reimbursements

- Fees that indigent defendants pay back to a court for indigent criminal defense services
- Michigan Department of Corrections payment for indigent criminal defense services to indigent MDOC prisoners
- Exclude any other reimbursements or fees levied upon indigent individuals other than those fees and/or costs for indigent criminal defense services

Totals and Baseline Amount

- The sum totals of expenses and reimbursements are calculated. Reimbursements are subtracted from the expenses. The sum totals for the three fiscal years [typically, years 2010, 2011, and 2012] are divided by three (3) to determine the baseline amount.

©

mhoagland@tuscolacounty.org

From: Thomas Bardwell <tbardwell@tuscolacounty.org>
Sent: Friday, June 2, 2017 8:49 AM
To: Mike Hoagland
Subject: Fwd: Request for Chairperson Bardwell to sign Great Lakes Mayors joint sign on letter to Minister McKenna re OPG DGR
Attachments: Tuscola County Resolution Regarding Nuclear Waste Facility.pdf; Sign on letter from resolution communities.pdf

Mike,

Received a call regarding this and they are requesting a signature on a petition ...probably should go before the Board for their thoughts and determination. What are your thoughts?

Best regards,

Thom

----- Forwarded message -----

From: <fjf@stopthenucleardump.com>

Date: Thu, Jun 1, 2017 at 3:59 PM

Subject: Request for Chairperson Bardwell to sign Great Lakes Mayors joint sign on letter to Minister McKenna re: OPG DGR

To: tbardwell@tuscolacounty.org

Hello Mr. Bardwell,

I am contacting you in your capacity as Chairperson of the Tuscola County Board of Commissioners concerning Ontario Power Generation's (OPG) plan to construct a nuclear waste repository on the shore of Lake Huron in Kincardine Ontario at the Bruce Nuclear site.

Over the past 4 years our organization, Stop The Great Lakes Nuclear Dump, has undertaken an extensive outreach effort to encourage Great Lakes communities to pass resolutions opposing OPG's plan. Today, 216 resolutions representing over 23 million people opposing OPG's plan have been passed, including by Tuscola County. See <http://www.stopthegreatlakesnucleardump.com/resolutions.php> for a list of resolutions passed to date. FYI, I have attached a copy of the resolution most recently passed by the Tuscola County Board of Commissioners in June 2014.

Working closely with Mayor Keith Hobbs (City of Thunder Bay, Ontario) and Mayor Mike Bradley (City of Sarnia, Ontario) we have recently launched a new initiative that seeks to leverage the 216 resolutions that have been passed opposing OPG's plan. Specifically, we are encouraging Mayors (or top elected officials) of communities that have passed resolutions to sign an open letter to Canada's Minister of Environment and Climate

Change, Catherine McKenna. Our goal is to have at least 100 top elected officials from resolution communities sign the attached joint sign on letter and once this has been achieved, to send the letter to Minister McKenna. We are making excellent progress in securing signatures on the joint sign on letter. See attached letter showing the latest listing of 42 signatories.

Given that a decision on this matter could occur in the summer of 2017, we feel it is very important and urgent that Great Lakes communities on both sides of the border continue to apply political pressure on Minister McKenna to reject OPG's plan. We believe the joint sign on letter will send a powerful message to Minister McKenna that opposition from Great Lakes communities on both sides of the border remains strong and united.

Mr. Bardwell, I am hoping that after reviewing the joint sign on letter, you will agree to add your signature.

Thank you for your consideration of this request.

If you have any questions or require any further information, please don't hesitate to contact me.

Sincerely,

Frank Fernandez
Stop The Great Lakes Nuclear Dump

To learn more please visit our website: www.stopthegreatlakesnucleardump.com

To sign the online petition:

<http://www.gopetition.com/petitions/stopthegreatlakesnucleardump.html>

*Stop The Great Lakes Nuclear Dump Inc. is a non-profit organization comprised of concerned Canadians who believe that the **protection of the Great Lakes from buried radioactive nuclear waste is responsible stewardship**, and is of national and international importance.*

The Great Lakes were created by an ice age 12,000 years ago.

The Egyptian pyramids were created 4,500 years ago.

Some nuclear waste remains radioactive for 100,000 years.

The Great Lakes constitute 21% of the world's fresh water.

The Great Lakes are the water source supporting 40 million people in 2 countries.

An underground nuclear waste dump 1 km from the shore of Lake Huron defies common sense

TUSCOLA COUNTY BOARD OF COMMISSIONERS

125 W. Lincoln Street
Caro, MI 48723

Telephone: 989-672-3700
Fax: 989-672-4011

RESOLUTION OPPOSING THE DEVELOPMENT OF AN UNDERGROUND NUCLEAR WASTE FACILITY

WHEREAS, a Canadian power company is proposing to develop an underground nuclear waste facility near Kincardine, Ontario; and

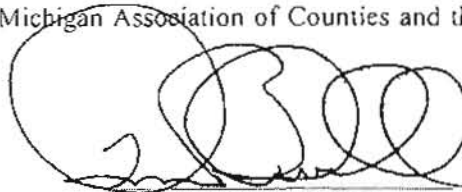
WHEREAS, the proposed facility would be situated less than 1 mile from the Lake Huron shoreline; and,

WHEREAS, storing low and intermediate level waste so close to Lake Huron, which constitutes 21% of the world's fresh water supply, jeopardizes the fragile ecosystem and is a risk that cannot be afforded.

NOW, THEREFORE, BE IT RESOLVED, that the Tuscola County Board of Commissioners hereby opposes the development of an underground nuclear waste facility near Kincardine, Ontario because of the potential risk of polluting the Great Lakes and upsetting the ecosystem.

BE IT FURTHER RESOLVED that this resolution be distributed to Governor Snyder, members of our State and Federal leadership, Michigan Association of Counties and the Province of Ontario, Canada.

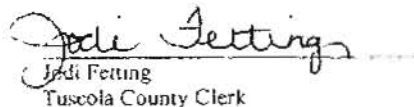
Date 6-26-14



Thom Bardwell, Chairperson
Tuscola County Board of Commissioners

I, Jodi Felting, Tuscola County Clerk, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Tuscola County Board of Commissioners at its regular meeting on June 26, 2014.

Date 6/26/14



Jodi Felting
Tuscola County Clerk

Open Letter to Canada's Minister of Environment and Climate Change
opposing Ontario Power Generation's proposed Deep Geologic Repository
(DGR) - Signed by [] Great Lakes Mayors

<Date>

The Honourable Catherine McKenna, P.C., M.P.
Minister of Environment and Climate Change
House of Commons
Ottawa, Ontario
Canada K1A 0A6

Dear Minister,

We are writing to you in connection with the interests and concerns of our constituents, millions of people living in cities, towns, municipalities, villages and counties surrounding the Great Lakes.

We are deeply concerned that Ontario Power Generation (OPG) is proposing to bury nuclear waste in close proximity to the Great Lakes. The Great Lakes are critically important resources to both Canada and the United States and supply drinking water to forty million people including to the citizens we represent. The Great Lakes support fishing, boating, recreation, tourism, and agriculture and are the life-blood of a six trillion dollar Great Lakes region economy.

We find it irresponsible and deeply troubling that OPG failed and continues to refuse to investigate any other actual sites for its proposed nuclear waste repository (DGR) despite being required to do so under regulatory guidelines and further as required by you in your February 18, 2016 request.

We are completely mystified by OPG claims that its proposed DGR is "not an area of concern among the general population" in the face of 217 resolutions having been passed by local, county and state governments representing over 23 million people opposing the construction of a DGR anywhere in the Great Lakes Basin. It is plain to see that OPG's claims do not square with the facts.

Signatories to this letter, all duly elected officials of Great Lakes communities that have passed resolutions, remain deeply opposed and united in opposition to the permanent burial of nuclear waste anywhere in the Great Lakes basin and we fully support Stop The Great Lakes Nuclear Dump in their work to protect the fresh water of the Great Lakes from the threat posed by OPG's proposed DGR.

Open Letter to Canada's Minister of Environment and Climate Change opposing Ontario Power Generation's proposed Deep Geologic Repository (DGR) - Signed by Great Lakes Mayors
<Date>

Madame Minister, we the undersigned request that you act to protect North America's most precious resource and the health and safety of the millions of people who rely on your leadership by rejecting OPG's application for its DGR in Kincardine, Ontario.

Sincerely,

Mayor Keith Hobbs
City of Thunder Bay, Ontario

Mayor Mike Bradley
City of Sarnia, Ontario

Warden Bill Weber
Lambton County, Ontario

Mayor Denis Doyle
Township of Frontenac Islands, Ontario

Mayor Gil Brocanier
Town of Cobourg, Ontario

Mayor Al MacNevin
Town of Northeastern Manitoulin
and the Islands, Ontario

Mayor Gordon Schermerhorn
Town of Greater Napanee, Ontario

Mayor John Maloney
City of Port Colborne, Ontario

Reeve Eric Smith
Township of Stone Mills, Ontario

Mayor Maureen Cole
Municipality of South Huron, Ontario

Mayor Randy Hope
City of Chatham-Kent, Ontario

Mayor Jamie McGarvey
Town of Parry Sound, Ontario

Open Letter to Canada's Minister of Environment and Climate Change opposing Ontario Power Generation's proposed Deep Geologic Repository (DGR) - Signed by Great Lakes Mayors
<Date>

Mayor Heather Jackson
City of St. Thomas, Ontario

Mayor Leslie O'Shaughnessy
City of Cornwall, Ontario

Mayor John McKean
Town of Blue Mountains, Ontario

Mayor Wayne H. Redekop
Town of Fort Erie, Ontario

Mayor Nelson Santos
Town of Kingsville, Ontario

Reeve Peter Hopkins
Township of McKellar, Ontario

Mayor Grant Jones
Township of Southwold, Ontario

Mayor A.T. Luciani
City of Thorold, Ontario

Lord Mayor Pat Darte
Town of Niagara-on-the-Lake, Ontario

Mayor Dale Robinson
Municipality of McDougall, Ontario

Warden Tom Bains
County of Essex, Ontario

Mayor Ron Meer
Michigan City, Indiana

Mayor Charlie Luke
Norfolk County, Ontario

Mayor Bill Lowry
Loyalist Township, Ontario

Mayor Gordon McKay
Town of Midland, Ontario

Mayor Fred Eisenberger
City of Hamilton, Ontario

Open Letter to Canada's Minister of Environment and Climate Change opposing Ontario Power Generation's proposed Deep Geologic Repository (DGR) - Signed by Great Lakes Mayors
<Date>

Mayor Stephen H. Hagerty
City of Evanston, Illinois

Mayor Sam Cunningham
City of Waukegan, Illinois

Mayor Rick Milne
Town of New Tecumseth, Ontario

Mayor Barb Clumpus
Municipality of Meaford, Ontario

Mayor Kevin Eccles
Municipality of West Grey, Ontario

Mayor Bill Cedar Jr.
City of St. Clair, Michigan

Mayor Jim Carruthers
City of Traverse City, Michigan

Mayor Nancy R. Rotering
City of Highland Park, Illinois

Mayor Mike Vandersteen
City of Sheboygan, Wisconsin

Supervisor Robert Lewandowski, Jr.
Charter Township of Port Huron, Michigan

Mayor Julie P. Miller
City of Brown City, Michigan.

Mayor John Dupray
City of New Baltimore, Michigan

President Kristen Kaatz
Village of Lexington, Michigan

Chairperson John M. Hoffmann
Board of Commissioners
Sanilac County, Michigan



[Back to top](#)

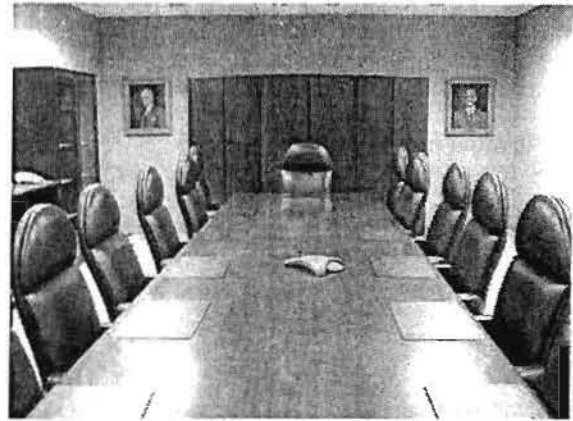


COUNTY BOARD MEETINGS

Physical presence legislation passes House

All elected officials would need to be physically present when casting a vote during an open meeting should [House Bill 4184](#) become law.

The bill, sponsored by Rep. Lana Theis (R-Livingston) and which cleared the House this week, does provide exemptions to the presence requirement under certain circumstances. These include military service, emergency sessions or meetings that address critical personnel or infrastructure issues that are time sensitive. Public bodies would also be able to waive the requirement for one meeting per year, if the member in question had access to a video conferencing system and the absence was for a good cause.



No changes were made to the bill during floor action before passage on a 102-5 vote. The bill now moves to the Senate.

For more information on the issue, contact Chris Jones at jones@micounties.org or 517-372-5374.

[Back to top](#)

NATIONAL NEWS

[More fronts open in the war against opioids](#)

[Local leaders warn Congress, one size doesn't fit all in infrastructure spending](#)

[Ryan launches new bipartisan Task Force on Intergovernmental Affairs](#)

[Congressional Budget Office releases score of health overhaul bill; counties' concerns remain unchanged as Senate moves forward](#)



[Back to top](#)

RURAL GRANTS

Federal grants program targets rural development

The U.S. Department of Agriculture is seeking applications for technical assistance and training grants in the [Community Facilities Technical Assistance](#)



Tuscola County

Renee Francisco <renee@tuscolacounty.org>

Fwd: MAC Legislative Update - June 2, 2017

1 message

Jodi Fetting <jfetting@tuscolacounty.org>
To: Renee Francisco <renee@tuscolacounty.org>

Wed, Jun 7, 2017 at 2:58 PM

----- Forwarded message -----
From: "Michigan Association of Counties" <info@micounties.org>
Date: Jun 2, 2017 1:01 PM
Subject: MAC Legislative Update - June 2, 2017
To: <jfetting@tuscolacounty.org>
Cc:



June 2, 2017

IN THIS ISSUE

- Court funding bills move out of House
- House passes its own version of State Disaster Assistance Grants
- Physical presence legislation passes House
- National news from NACo
- Federal grants program targets rural development
- Regional Summits to feature tips on lobbying, service collaboration
- MAC unveils full-service app: MI Counties
- Have you joined the MAC Commissioners Forum?
- Have a job to fill? MAC can help.

[VISIT OUR WEBSITE](#)

REVENUE SOURCES FOR FY18 GENERAL FUND

mhoagland@tuscolacounty.org

From: Bixler, Joseph <bixlerj@anr.msu.edu>
Sent: Thursday, June 1, 2017 12:27 PM
To: mhoagland@tuscolacounty.org; Kathy Dorman ; Carl Osentoski; Jodi Essenmacher
Subject: Tri-County Meeting for Initiatives Discussion

Good Day:

After meeting with Kathy Dorman this morning, I am convinced that a meeting of the tri-county group of Huron, Tuscola, and Sanilac is in order to discuss the value added position and the associated USDA Rural Development grant opportunity that I sent earlier today. Additionally, there appears to be an opportunity for all three counties to discuss other mutual items of interest. Therefore, I am willing to convene a meeting to review the value added idea that I have been touting and facilitate discussions amongst you all about mutual opportunities. I will take responsibility for meeting set up and the cost thereof. I will also engage a facilitator at MSUE expense to usher you all through a discussion about future mutual initiatives.

I am suggesting the dates of either July 5th or July 12th for the meeting either beginning at 9 am or Noon. Lunch will be provided either way. I will secure a meeting place. Please let me know which of the two dates works best and then I will proceed from there.

Have a wonderful THUMB day!

Joe Bixler, District 10 Coordinator
St. Clair, Lapeer, Huron, Sanilac and Tuscola Counties
200 Grand River Ave., Suite 102
Port Huron, Michigan 48060
Direct Phone - 810-989-6903 or 989-758-2501

Spartans Will!



NATIONAL CENTER FOR HEALTH STATISTICS

National Health and Nutrition Examination Survey

(F)

May 15, 2017

Michael Hoagland
County Administrator, Tuscola County
125 W. Lincoln Street, Suite 500
Caro, MI 48723

Dear Mr. Hoagland:

The National Center for Health Statistics, part of the Centers for Disease Control and Prevention, is conducting a major study of the health of persons living in the United States. Tuscola County, Michigan has been selected as one of the survey locations during the current National Health and Nutrition Examination Survey (NHANES). The enclosed fact sheet describes the survey that will be used to gather information to assess the health and nutrition status of children and adults and their needs for health care.

Over 55 years similar surveys have been successfully conducted on various segments of the U.S. population. They have provided us with important data on health conditions and concerns in this country. Data are collected through household interviews and standardized medical examinations in our mobile examination center.

Our personnel will be conducting the survey in Tuscola County starting June 28 through September 16, 2017. A sample of about 435 people from Tuscola County will be asked to participate in the survey. Interviewers will be calling on designated households throughout the area. They will obtain the demographic information used to identify and select people for the examination.

We want you to be aware of our current activities so you will be better able to answer any inquiries you receive about the survey. We are informing the appropriate officials of the state and local governments, law enforcement agencies, and medical and dental societies. Before we begin operations, we will send you the addresses and telephone numbers of our field office and mobile examination center. If you have any questions, please feel free to call my office at 1-800-452-6115.

Thank you for your cooperation in this important national research effort.

Sincerely yours,

George W. Zipf
Chief, Operations Branch, Division of Health and Nutrition Examination Surveys
National Center for Health Statistics
Centers for Disease Control and Prevention
www.cdc.gov/nchs/nhanes.htm

Enclosure



Centers for Disease
Control and Prevention
National Center for
Health Statistics