

**Agenda**  
**Tuscola County Board of Commissioners**  
**Committee of the Whole Monday, January 25, 2021 – 8:00 A.M.**  
**HH Purdy Building - 125 W. Lincoln, Caro, MI**

**RESIDENTS OF TUSCOLA COUNTY PLEASE TAKE NOTICE**

Electronic remote access will be implemented for this meeting, in accordance with the Department of Health and Human Services Emergency Order Under MCL 333-2253 Gathering Prohibition and Mask Order and Public Act No. 254 of 2020.

**To participate in the Electronic Meeting you can:**

**Join by phone: (US)+1 [470-625-2280](tel:4706252280) PIN: 690 457 712#**

**Join by Hangouts Meeting ID [meet.google.com/dxc-rnco-esy](https://meet.google.com/dxc-rnco-esy)**

**8:00 A.M. Call to Order – Chairperson Bardwell**  
**Roll Call – Clerk Fetting**

**County Updates**

Ann Hepfer, Health Officer

**New Business**

1. MREC Update/Discussion from the January 19<sup>th</sup> Meeting - **Richard Sundquist – Gene Pierce (See A)**
  - a. County Wind Reserves and Legal Cost (**See B**)
2. New Jail Planning
  - a. Jail Committee Function, Roles, and Responsibilities – **Sheriff Glen Skrent (See C)**

**Old Business**

1. Board Update/Status on the Resolution Declaring Tuscola County a Constitutional Second Amendment County

## **Finance/Technology**

Committee Leader Commissioner Young and Commissioner DuRussel

### **Primary Finance/Technology**

1. Amendment to Communication Site Lease Agreement with Thumb Cellular – **Eean Lee, CIO (See D)**
2. MIFSM
3. Capital Toxicology

### **On Going and Other Finance and Technology**

#### **Finance**

1. RFP Building Codes – Gathering Information
2. Fund Balance History Reports
3. Preparation of Multi-Year Financial Planning

#### **Technology**

1. GIS Update
2. Increasing On-Line Services/Updating Web Page

## **Building and Grounds**

Committee Leader Commissioner DuRussel and Commissioner Grimshaw

### **Primary Building and Grounds**

1. Vanderbilt Park Road – **Mike Yates**
2. County Physical and Electronic Record Storage Needs

### **On Going and Other Building and Grounds**

1. State Police Building-Water and Annexation

## **Personnel**

Committee Leader Commissioner Grimshaw and Commissioner Vaughan

### **Primary Personnel**

1. Families First Coronavirus Response Act (FFCRA) expiration – next Steps:
  - a. Are Templates Available? **No**
  - b. Department Head/Elected Officials Input (**See E**)
  - c. What are Other Counties Doing (**See F**)
  - d. List of Carry Over Time (**See G**)
  - e. Current Policy on Paid Leave (**See H**)
  - f. FFCRA Employee Rights (expired) (**See I**)
2. Board Rules of Order with Changes for Review/Adoption (**See J**)
3. Refill Vacant Part Time Custodian Position
4. Policy Updates

#### **On-Going and Other Personnel**

1. MAC 7<sup>th</sup> Meeting Updates
2. Work Comp Updates
3. Safety Committee's

### **Primary Other Business as Necessary**

1. Formation of Legislative Committee with Commissioners and Possibly Huron County
2. Virtual Meetings – Updates

#### **On-Going Other Business as Necessary**

1. Animal Control Ordinance

### **Public Comment Period**

# MICHIGAN RENEWABLE ENERGY COLLABORATIVE

## AGENDA – JANUARY 19, 2021

<i>Date and Time:</i>	<i>Location:</i>
Tuesday, January 19, 2021 10:00 a.m.	Zoom Conference Call – Click this link to join the Zoom meeting:  <a href="https://clarkhill.zoom.us/j/94254580066?pwd=MUZ2RzhSQUgybjVnYmNJZWc3S1RhQT09">https://clarkhill.zoom.us/j/94254580066?pwd=MUZ2RzhSQUgybjVnYmNJZWc3S1RhQT09</a>  Password: 924199  For issues, contact Gina Stankiewicz – 313-965-8238 or 313-282-8074.

1. **INTRODUCTIONS (RICHARD A. SUNDQUIST).**
2. **MEETING OBJECTIVES (RICHARD A. SUNDQUIST).**
3. **THUMB WIND PARK – SIGEL – DTE v BLOOMFIELD AND SIGEL TOWNSHIPS (RICHARD SUNDQUIST)**
  - a. Nine-day hearing in Lansing before MTT Judge Victoria Enyart (September 12, 2019 through September 25, 2019).
    - (1) No opinion as of January 15, 2021, however, the opinion is expected very shortly based upon a communication from Judge Enyart’s clerk on the morning of January 15, 2021.
    - (2) Judge Enyart’s term ended June 30, 2020. Judge Enyart reappointed by Governor Whitmer on August 14, 2020 to serve a new four-year term. Opposition by municipalities and legislators opposed to the so-called “dark store theory” which some see Judge Enyart as supporting. Appearance by Judge Enyart before Senate Advice and Consent Committee on September 24, 2020. The committee voted to not oppose her appointment. Judge Enyart’s term continues for four years.
    - (3) Judge Enyart convened a conference call with all counsel in the Sigel case on October 23, 2020. She noted the Sigel case was one of first impression in Michigan.
  - b. Compare to *Menard Inc. v City of Escanaba* (dark store case) (eight plus years and counting).
    - (1) Original MTT filing May 31, 2012; original MTT opinion November 7, 2014; Court of Appeals decision May 26, 2016 (reversed); appeal to Michigan Supreme Court (leave not granted) and record returned October 20, 2017; remanded to MTT for new hearing; MTT hearing before Judge Enyart May 13, 2019 to June 7, 2019; Judge Enyart opinion May 28, 2020; motion for reconsideration denied September 2, 2020; appeal filed in Michigan Court of Appeals September 23, 2020; Appellants’ brief due January 13, 2021.
  - c. Impact of Sigel ruling and next steps.
    - (1) Motion for reconsideration.
    - (2) Appeal.

- (3) Settlement.
- (4) Potential impact on other pending cases.

4. CURRENT PENDING TAX APPEALS (RICHARD SUNDQUIST).

a. See Exhibit A for the current pending tax appeals.

- (1) 18 pending consolidated wind park tax appeals (includes two separate consolidated cases with respect to the Thumb Wind Park-Sigel) totaling 594 separate MTT petitions.
  - (a) DTE – 9 consolidated cases.
  - (b) Consumers – 2 consolidated cases.
  - (c) Exelon – 6 consolidated cases.
  - (d) AEP Renewables – 1 consolidated case.
- (2) All cases (except for the first Sigel case mentioned in item 3 above) are being held in abeyance upon order of the chief judge for the MTT citing that because of common issues of law and fact, the resolution of the Sigel case “may assist the parties in resolving the Subject Cases, thereby saving the parties and the Tribunal time, money and other resources.” The chief judge has also noted the likely precedential value of the Sigel case.
- (3) Discuss options available to the chief judge once the opinion in the Sigel case is issued.
  - (a) How many cases will no longer be held in abeyance?

5. STATE TAX COMMISSION (RICHARD A. SUNDQUIST AND ANDREW RICHNER).

a. Current chair – Peggy L. Nolde.

- (1) Appointed March of 2020 replacing Nick Khouri who replaced Doug Roberts. Is well regarded.
- (2) Ms. Nolde is a former Michigan Master Assessing Officer, Member of International Association of Assessing Officers, holds Certified Assessment Evaluator designation, former Equalization Director for Genesee County, past president of the Southeast Chapter of the Michigan Assessors Association and the Tri-County Assessors Association, former assessor for the Charter Township of Grand Blanc, an appraiser for the City of Flint, assessor for the Charter Township of Mundy and the City of Fenton.

b. STC has taken no action to revise the Wind Energy System Report (Form 4565) containing the multiplier table. 2021 Wind Energy System Report attached as Exhibit B.

- (1) December 15, 2020 communication by David Buick, Executive Director, to STC:
  - (a) “Due to pending litigation, the existing valuation tables were also left in place for the 2017, 2018 and 2019...”
  - (b) “There continues to be pending litigation regarding the valuation of wind turbines that may have an impact on future multipliers. Staff is therefore recommending that the Commission leave the existing wind turbine valuation table in place for a period of one year, with the staff meeting with external stakeholders and reporting back to the Commission by the end of 2021.”

(c) See Exhibit C for multiplier table comparisons.

c. Formation of STC Ad Hoc Committee (Solar Project Committee). See Exhibit D for members.

(1) Zoom meeting with A. Richner, R. Sundquist, C. Osentoski and M. Krause on December 7, 2020.

(2) Committee will continue to meet through 2021 with a final report and recommendation to be made to the Commission for its August 17, 2021 meeting.

d. STC issued its Interim Guidance Regarding Valuation and Assessment of Large-Scale Photovoltaic (Solar) Electric Generation Systems. Covers classification issues and other issues.

6. SENATE BILL 46 - REPRESENTATIVE CURT VANDERWALL (ANDREW RICHNER AND RICHARD SUNDQUIST).

a. 2020 review.

b. Possible reintroduction in 2021.

c. Proposed contacts with legislators.

7. SENATE BILLS 1105 AND 1106 (SOLAR LEGISLATION) - REPRESENTATIVES CURT VANDERWALL AND KEVIN DALEY (ANDREW RICHNER AND RICHARD SUNDQUIST).

a. Bills proposed exemption of large-scale solar energy projects from personal property taxes and provided for an annual payment in lieu of taxes in the amount of \$3,500 per megawatt.

(1) Key components of bills.

b. Why are we involved with solar?

(1) "Qualified renewable energy facility" means a facility not placed in service at the time of application that uses solar energy as the sole fuel source for the generation of at least 1 megawatt of nameplate capacity, alternating current, including any energy storage devices that store energy primarily from the facility, and all other equipment and materials that comprise the facility.

c. Other states include wind and solar in their pilot statutes.

d. Governor vetoed the bills on December 31, 2020.

(1) Veto letter.

e. Valuation and financial impact of solar (presentation).

f. Next steps for solar.

8. NEW BUSINESS AND ADJOURN.

EXHIBIT A TO AGENDA

a. **Consumers Energy Cases.**

Wind Park	Township	Year(s) Appealed	Number of Turbines Appealed	Number of Utility Parcels Appealed	Number of MTT Cases	Status
Cross Winds Energy Park	Akron	2016 - 2020	43	3	5	Cases consolidated and held in abeyance.
	Columbia	2016 - 2020	19	3	6	Cases consolidated and held in abeyance.
Cross Winds Energy Park II	Akron	2019 - 2020	0	1	1	Cases consolidated and held in abeyance.
	Columbia	2019 - 2020	19	1	20	Cases consolidated and held in abeyance.
<b>Total Cases</b>					<b>32</b>	

b. **DTE Cases.**

Wind Park	Township	Year(s) Appealed	Number of Turbines Appealed	Number of Utility Parcels Appealed	Number of MTT Cases	Status
Brookfield Wind Park	Brookfield	2016 - 2020	29	0	25	Cases consolidated and held in abeyance.
	Grant	2016 - 2020	4	0	2	Cases consolidated and held in abeyance.
	Sebewaing	2016 - 2020	10	0	10	Cases consolidated and held in abeyance.
	Winsor	2016 - 2020	1	0	1	Cases consolidated and held in abeyance.

Wind Park	Township	Year(s) Appealed	Number of Turbines Appealed	Number of Utility Parcels Appealed	Number of MTT Cases	Status
Echo Wind Park	Chandler	2016 – 2020	61	0	61	Cases consolidated and held in abeyance.
	McKinley	2016 – 2020	1	0	1	Cases consolidated and held in abeyance.
	Oliver	2016 – 2020	8	0	8	Cases consolidated and held in abeyance.
Gratiot County Wind Park	Wheeler	2016 – 2020	56	0	54	Cases consolidated and held in abeyance.
	Bethany	2016 – 2020	8	0	8	Cases consolidated and held in abeyance.
Thumb Wind Park (Sigel)	Bloomfield	2016 – 2017	16	0	16	Trial – September 12 through September 20, 2019
	Sigel	2016 - 2017	24	0	24	Trial – September 12 through September 20, 2019
Thumb Wind Park (Sigel)	Bloomfield	2018 – 2020	16	0	16	Cases consolidated and held in abeyance.
	Sigel	2018 - 2020	24	0	24	Cases consolidated and held in abeyance.
Thumb Wind Park (McKinley)	McKinley	2016 – 2020	9	0	9	Cases consolidated and held in abeyance.
Thumb Wind Park (Minden)	Delaware	2016 – 2020	2	0	2	Cases consolidated and held in abeyance.
	Minden	2016 – 2020	18	0	15	Cases consolidated and held in abeyance.
Pinnebog Wind Park	Colfax	2018 - 2020	17	0	17	Cases consolidated and held in abeyance.
	Chandler	2018 - 2020	8	0	8	Cases consolidated and held in abeyance.
	Oliver	2018 - 2020	5	0	5	Cases consolidated and held in



Wind Park	Township	Year(s) Appealed	Number of Turbines Appealed	Number of Utility Parcels Appealed	Number of MTT Cases	Status
						abeyance.
Big Turtle Wind Farm	Rubicon	2020	10	0	10	
<b>Total Cases</b>					<b>316</b>	

c. Exelon Cases.

Wind Park	Township	Year(s) Appealed	Number of Turbines Appealed	Number of Utility Parcels Appealed	Number of MTT Cases	Status
Beebe Wind Park	Emerson	2019 - 2020	6	0	6	Cases consolidated and held in abeyance.
	Hamilton	2019 - 2020	5	0	5	Cases consolidated and held in abeyance.
	North Star	2019 - 2020	23	0	23	Cases consolidated and held in abeyance.
Beebe 1B Wind Park	Emerson	2019 - 2020	19	0	19	Cases consolidated and held in abeyance.
	North Star	2019 - 2020	2	0	2	Cases consolidated and held in abeyance.
Harvest Wind Farm I	Chandler	2019 - 2020	5	0	5	Cases consolidated and held in abeyance.
	Oliver	2019 - 2020	26	0	26	Cases consolidated and held in abeyance.
Harvest II Wind Farm	Chandler	2019 - 2020	13	0	13	Cases consolidated and held in abeyance.
	McKinley	2019 - 2020	5	0	5	Cases consolidated and held in abeyance.
	Oliver	2019 - 2020	15	0	15	Cases consolidated and held in abeyance.

Wind Park	Township	Year(s) Appealed	Number of Turbines Appealed	Number of Utility Parcels Appealed	Number of MTT Cases	Status
Michigan Wind 1	Bingham	2019 – 2020	41	0	41	Cases consolidated and held in abeyance.
	Sheridan	2019 - 2020	5	0	5	Cases consolidated and held in abeyance.
Michigan Wind 2	Delaware	2019 - 2020	37	0	35	Cases consolidated and held in abeyance.
	Marion	2019 - 2020	6	0	6	Cases consolidated and held in abeyance.
	Minden	2019 - 2020	7	0	7	Cases consolidated and held in abeyance.
<b>Total Cases</b>					<b>213</b>	

d. AEP Renewables Cases.

Wind Park	Township	Year(s) Appealed	Number of Turbines Appealed	Number of Utility Parcels Appealed	Number of MTT Cases	Status
Apple Blossom	Oliver	2020	0	1	1	Cases consolidated and held in abeyance.
	Winsor	2020	29	3	32	Cases consolidated and held in abeyance.
<b>Total Cases</b>					<b>33</b>	
<b>Grand Total</b>					<b>594</b>	

**EXHIBIT B TO AGENDA**

Michigan Department of Treasury  
4565 (Rev. 12-20)

**2021 Wind Energy System Report (as of 12-31-2020)**

Issued under authority of Public Act 206 of 1893.

See page 2 for instructions on completing this form.

<b>PART 1: TAXPAYER/LOCATION INFORMATION</b>			
Taxpayer and local unit information regarding the Wind Energy System must be completed in full.			
Taxpayer's Business Name		Name of Local Unit where Wind Energy System is Located	
Personal Property Parcel Number	County	City of _____	
Real Parcel Identification Number (PIN) where System located	Phone Number for Site Access	Township of _____	
Legal description of land where Wind Energy System is located (attach additional sheets if necessary)			

<b>PART 2: EASEMENTS, RIGHTS OF WAY AND/OR LEASEHOLD INTERESTS</b>		
To be completed by Taxpayer. If none, enter "0."		Assessor's Calculation of True Cash Value
Number of 1.5 MW Wind Turbine Towers in Service:	x \$43,600 =	
Number of 1.65 MW Wind Turbine Towers in Service:	x \$47,900 =	
Number of 2.0 MW Wind Turbine Towers in Service:	x \$58,100 =	
Number of 2.2 MW Wind Turbine Towers in Service:	x \$64,000 =	
Number of 2.5 MW Wind Turbine Towers in Service:	x \$72,700 =	
Total True Cash Value		

**PART 3: SITE IMPROVEMENTS**  
Include costs for the rotor, drive train, tower, controls, electric interface and tower foundation and all land improvements (except buildings), such as roads, fences and communication facilities. Enter costs into the column to the right of the corresponding year.

Year	Original Cost		Assessor's Calculations of True Cash Value
2020		1.00	
2019		0.80	
2018		0.75	
2017		0.70	
2016		0.60	
2015		0.50	
2014		0.45	
2013		0.40	
2012		0.35	
Prior		0.30	

## COMPARISON OF MULTIPLIER TABLES

Year Installed	Original STC Table Effective 2008-2011	STC Table Effective 2012-2013	STC Table Effective 2014-2020	Appraisal Economics AE Multipliers (2015-2020)	Proposed SB 46 (Formerly SB 1096)	Machinery and Equipment (2019)	STC Gas Turbine (Current)
1	1.00	0.80	1.00	0.99	1.00	0.89	0.97
2	0.95	0.75	0.80	0.91	0.96	0.76	0.99
3	0.90	0.70	0.75	0.82	0.92	0.67	1.00
4	0.85	0.60	0.70	0.78	0.88	0.60	1.00
5	0.80	0.50	0.60	0.74	0.84	0.54	1.00
6	0.76	0.40	0.50	0.67	0.80	0.49	1.00
7	0.70	0.30	0.45	0.62	0.76	0.45	1.00
8	0.65	0.30	0.40	0.57	0.72	0.42	1.06
9	0.60	0.30	0.35	0.52	0.68	0.38	1.10
10	0.56	0.30	0.30	0.47	0.64	0.36	1.20
11	0.50	0.30	0.30	0.45	0.60	0.33	1.34
12	0.45	0.30	0.30	0.42	0.56	0.31	1.32
13	0.40	0.30	0.30	0.36	0.48	0.29	1.23
14	0.36	0.30	0.30	0.30	0.44	0.28	1.15
15	0.30	0.30	0.30	0.30	0.40	0.23	1.12
16	0.30	0.30	0.30	0.30	0.40	0.23	1.09
17	0.30	0.30	0.30	0.30	0.40	0.23	1.03
18	0.30	0.30	0.30	0.30	0.40	0.23	0.96
19	0.30	0.30	0.30	0.30	0.40	0.23	0.92
20	0.30	0.30	0.30	0.30	0.40	0.23	0.87
21	0.30	0.30	0.30	0.30	0.40	0.23	0.81
22	0.30	0.30	0.30	0.30	0.40	0.23	0.81
23	0.30	0.30	0.30	0.30	0.40	0.23	0.70
24	0.30	0.30	0.30	0.30	0.40	0.23	0.70
25	0.30	0.30	0.30	0.30	0.40	0.23	0.70
26	0.30	0.30	0.30	0.30	0.40	0.23	0.70
27	0.30	0.30	0.30	0.30	0.40	0.23	0.70
28	0.30	0.30	0.30	0.30	0.40	0.23	0.70
29	0.30	0.30	0.30	0.30	0.40	0.23	0.70
30	0.30	0.30	0.30	0.30	0.40	0.23	0.70

EXHIBIT C TO AGENDA

EXHIBIT D TO AGENDA

5102 (Rev. 01-19)



Agenda Item #14

GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF TREASURY  
LANSING

RACHAEL EUBANKS  
STATE TREASURER

**DATE:** October 13, 2020  
**TO:** State Tax Commission  
**FROM:** David A. Buick, Executive Director  
**SUBJECT:** Solar Panel Ad Hoc Committee

In addition to the Chairperson Nolde, the following assessors and staff have initially agreed to serve on the State Tax Commission's Ad Hoc Committee on large scale solar panel:

Ted Droste MMAO, Assessor, Delta Township  
David Lee MMAO, Assessor, East Lansing  
David Rowley MAAO, MSU Extension Service  
Timothy Schnelle MMAO, Retired Property Services Division  
Matthew Woolford MMAO, Kent and Allegan County Equalization Director

Staff have been gathering record cards and other data from assessors throughout the state where we are aware of large-scale solar panel installations for the committee to review and consider in the work. Staff are currently in the process of scheduling meetings for the committee to begin their work, which will include some focus group meetings with utilities and other large-scale installation owners for input.

Utility Solar - 40 Year Estimate of Potential Local Tax Revenue - 20 Mills Average Millage  
 Current STC Table, Final SB 1105 and Break Even Pilot Comparison

COST PER MWAC	\$ 1,330,000	Per SEIA 2020			
TOTAL MWAC	1				
TOTAL SOLAR PROJECT ORIGINAL COST	\$ 1,330,000				
TAXING UNIT MILLAGE	20	Local Millage Only - No School Operating or State Education			
BREAKEVEN PILOT PER MWAC	\$ 4,239	Break Even Does Not Include NPV of Existing STC Table Revenue in First 15 Years			
SB 1105 MICHIGAN PILOT PER MWAC	\$ 4,000				

Year	Current Multiplier STC Equip & Machinery	Michigan STC Tax Revenue	Michigan SB 1105 Pilot Tax Revenue	Breakeven STC Pilot Tax Revenue
1	0.890	\$ 11,837	\$ 4,000	\$ 4,239
2	0.760	\$ 10,108	\$ 4,000	\$ 4,239
3	0.670	\$ 8,911	\$ 4,000	\$ 4,239
4	0.600	\$ 7,980	\$ 4,000	\$ 4,239
5	0.540	\$ 7,182	\$ 4,000	\$ 4,239
6	0.490	\$ 6,517	\$ 4,000	\$ 4,239
7	0.450	\$ 5,985	\$ 4,000	\$ 4,239
8	0.420	\$ 5,586	\$ 4,000	\$ 4,239
9	0.380	\$ 5,054	\$ 4,000	\$ 4,239
10	0.360	\$ 4,788	\$ 4,000	\$ 4,239
11	0.330	\$ 4,389	\$ 4,000	\$ 4,239
12	0.310	\$ 4,123	\$ 4,000	\$ 4,239
13	0.290	\$ 3,857	\$ 4,000	\$ 4,239
14	0.280	\$ 3,724	\$ 4,000	\$ 4,239
15	0.23	\$ 3,059	\$ 4,000	\$ 4,239
16	0.23	\$ 3,059	\$ 4,000	\$ 4,239
17	0.23	\$ 3,059	\$ 4,000	\$ 4,239
18	0.23	\$ 3,059	\$ 4,000	\$ 4,239
19	0.23	\$ 3,059	\$ 4,000	\$ 4,239
20	0.23	\$ 3,059	\$ 4,000	\$ 4,239
21	0.23	\$ 3,059	\$ 4,000	\$ 4,239
22	0.23	\$ 3,059	\$ 4,000	\$ 4,239
23	0.23	\$ 3,059	\$ 4,000	\$ 4,239
24	0.23	\$ 3,059	\$ 4,000	\$ 4,239
25	0.23	\$ 3,059	\$ 4,000	\$ 4,239
26	0.23	\$ 3,059	\$ 4,000	\$ 4,239
27	0.23	\$ 3,059	\$ 4,000	\$ 4,239
28	0.23	\$ 3,059	\$ 4,000	\$ 4,239
29	0.23	\$ 3,059	\$ 4,000	\$ 4,239
30	0.23	\$ 3,059	\$ 4,000	\$ 4,239
31	0.23	\$ 3,059	\$ 4,000	\$ 4,239
32	0.23	\$ 3,059	\$ 4,000	\$ 4,239
33	0.23	\$ 3,059	\$ 4,000	\$ 4,239
34	0.23	\$ 3,059	\$ 4,000	\$ 4,239
35	0.23	\$ 3,059	\$ 4,000	\$ 4,239
36	0.23	\$ 3,059	\$ 4,000	\$ 4,239
37	0.23	\$ 3,059	\$ 4,000	\$ 4,239
38	0.23	\$ 3,059	\$ 4,000	\$ 4,239
39	0.23	\$ 3,059	\$ 4,000	\$ 4,239
40	0.23	\$ 3,059	\$ 4,000	\$ 4,239
40 Year Total		\$ 169,575	\$ 160,000	\$ 169,575

% Change in Tax Revenue Compared to Current Michigan STC Equipment & Machinery Multiplier Tables	-6%	0%
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EXHIBIT 2

Utility Solar With .6 MW 4 Hour Battery 40 Year Est of Potential Local Tax Revenue- 20 Mills  
 Current STC Table, Proposed SB 1105 and Break Even Pilot Comparison Battery \$ Decline 50%

COST PER MWAC	\$ 1,601,800	Includes \$1,330,000 PV plus \$271,800 Per MWAC For 1 MW Battery 20 year average 2018-2038
TOTAL MWAC	1	
TOTAL SOLAR PROJECT ORIGINAL COST	\$ 1,601,800	
TAXING UNIT MILLAGE	20	Local Millage Only --No School Operating or State Education
BREAKEVEN PILOT PER MWAC	\$ 5,106	Break Even Does Not Include NPV of Existing STC Table Revenue in First 15 Years
SB 1105 MICHIGAN PILOT PER MWAC	\$ 5,200	Proposed PV Pilot \$4000 plus .6MW 4 hour Battery= 2.4 MWH *\$500= \$1200

Year	Current Multiplier STC Equip & Machinery	Michigan STC Tax Revenue	Michigan SB 1105 Pilot Tax Revenue	Breakeven STC Pilot Tax Revenue
1	0.890	\$ 14,256	\$ 5,200	\$ 5,106
2	0.760	\$ 12,174	\$ 5,200	\$ 5,106
3	0.670	\$ 10,732	\$ 5,200	\$ 5,106
4	0.600	\$ 9,611	\$ 5,200	\$ 5,106
5	0.540	\$ 8,650	\$ 5,200	\$ 5,106
6	0.490	\$ 7,849	\$ 5,200	\$ 5,106
7	0.450	\$ 7,208	\$ 5,200	\$ 5,106
8	0.420	\$ 6,728	\$ 5,200	\$ 5,106
9	0.380	\$ 6,087	\$ 5,200	\$ 5,106
10	0.360	\$ 5,766	\$ 5,200	\$ 5,106
11	0.330	\$ 5,286	\$ 5,200	\$ 5,106
12	0.310	\$ 4,966	\$ 5,200	\$ 5,106
13	0.290	\$ 4,645	\$ 5,200	\$ 5,106
14	0.280	\$ 4,485	\$ 5,200	\$ 5,106
15	0.23	\$ 3,684	\$ 5,200	\$ 5,106
16	0.23	\$ 3,684	\$ 5,200	\$ 5,106
17	0.23	\$ 3,684	\$ 5,200	\$ 5,106
18	0.23	\$ 3,684	\$ 5,200	\$ 5,106
19	0.23	\$ 3,684	\$ 5,200	\$ 5,106
20	0.23	\$ 3,684	\$ 5,200	\$ 5,106
21	0.23	\$ 3,684	\$ 5,200	\$ 5,106
22	0.23	\$ 3,684	\$ 5,200	\$ 5,106
23	0.23	\$ 3,684	\$ 5,200	\$ 5,106
24	0.23	\$ 3,684	\$ 5,200	\$ 5,106
25	0.23	\$ 3,684	\$ 5,200	\$ 5,106
26	0.23	\$ 3,684	\$ 5,200	\$ 5,106
27	0.23	\$ 3,684	\$ 5,200	\$ 5,106
28	0.23	\$ 3,684	\$ 5,200	\$ 5,106
29	0.23	\$ 3,684	\$ 5,200	\$ 5,106
30	0.23	\$ 3,684	\$ 5,200	\$ 5,106
31	0.23	\$ 3,684	\$ 5,200	\$ 5,106
32	0.23	\$ 3,684	\$ 5,200	\$ 5,106
33	0.23	\$ 3,684	\$ 5,200	\$ 5,106
34	0.23	\$ 3,684	\$ 5,200	\$ 5,106
35	0.23	\$ 3,684	\$ 5,200	\$ 5,106
36	0.23	\$ 3,684	\$ 5,200	\$ 5,106
37	0.23	\$ 3,684	\$ 5,200	\$ 5,106
38	0.23	\$ 3,684	\$ 5,200	\$ 5,106
39	0.23	\$ 3,684	\$ 5,200	\$ 5,106
40	0.23	\$ 3,684	\$ 5,200	\$ 5,106
40 Year Total		\$ 204,230	\$ 208,000	\$ 204,230
% Change in Tax Revenue Compared to Current Michigan STC Equipment & Machinery Multiplier Tables			2%	0%



Utility Solar - 40 Year Estimate of Potential Local Tax Revenue - 20 Mills Average Millage  
 Current STC Table, SB 1105 and Break Even Pilot Comparison - Goodland Twp Lapeer County

COST PER MWAC	\$ 1,000,000	Per Thumb Net,Net
TOTAL MWAC	100	
TOTAL SOLAR PROJECT ORIGINAL COST	\$ 100,000,000	Per Thumb Net,Net
TAXING UNIT MILLAGE	17.7613	Local Millage Only --No School Operating or State Education
BREAKEVEN PILOT PER MWAC	\$ 2,831	Break Even Does Not Include NPV of Existing STC Table Revenue in First 15 Years
SB 1105 MICHIGAN PILOT PER MWAC	\$ 4,000	

Year	Current Multiplier STC Equip & Machinery	Michigan STC Tax Revenue	Michigan SB 1105 Pilot Tax Revenue	Breakeven STC Pilot Tax Revenue
1	0.890	\$ 790,378	\$ 400,000	\$ 283,071
2	0.760	\$ 674,929	\$ 400,000	\$ 283,071
3	0.670	\$ 595,004	\$ 400,000	\$ 283,071
4	0.600	\$ 532,839	\$ 400,000	\$ 283,071
5	0.540	\$ 479,555	\$ 400,000	\$ 283,071
6	0.490	\$ 435,152	\$ 400,000	\$ 283,071
7	0.450	\$ 399,629	\$ 400,000	\$ 283,071
8	0.420	\$ 372,987	\$ 400,000	\$ 283,071
9	0.380	\$ 337,465	\$ 400,000	\$ 283,071
10	0.360	\$ 319,703	\$ 400,000	\$ 283,071
11	0.330	\$ 293,061	\$ 400,000	\$ 283,071
12	0.310	\$ 275,300	\$ 400,000	\$ 283,071
13	0.290	\$ 257,539	\$ 400,000	\$ 283,071
14	0.280	\$ 248,658	\$ 400,000	\$ 283,071
15	0.23	\$ 204,255	\$ 400,000	\$ 283,071
16	0.23	\$ 204,255	\$ 400,000	\$ 283,071
17	0.23	\$ 204,255	\$ 400,000	\$ 283,071
18	0.23	\$ 204,255	\$ 400,000	\$ 283,071
19	0.23	\$ 204,255	\$ 400,000	\$ 283,071
20	0.23	\$ 204,255	\$ 400,000	\$ 283,071
21	0.23	\$ 204,255	\$ 400,000	\$ 283,071
22	0.23	\$ 204,255	\$ 400,000	\$ 283,071
23	0.23	\$ 204,255	\$ 400,000	\$ 283,071
24	0.23	\$ 204,255	\$ 400,000	\$ 283,071
25	0.23	\$ 204,255	\$ 400,000	\$ 283,071
26	0.23	\$ 204,255	\$ 400,000	\$ 283,071
27	0.23	\$ 204,255	\$ 400,000	\$ 283,071
28	0.23	\$ 204,255	\$ 400,000	\$ 283,071
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31	0.23	\$ 204,255	\$ 400,000	\$ 283,071
32	0.23	\$ 204,255	\$ 400,000	\$ 283,071
33	0.23	\$ 204,255	\$ 400,000	\$ 283,071
34	0.23	\$ 204,255	\$ 400,000	\$ 283,071
35	0.23	\$ 204,255	\$ 400,000	\$ 283,071
36	0.23	\$ 204,255	\$ 400,000	\$ 283,071
37	0.23	\$ 204,255	\$ 400,000	\$ 283,071
38	0.23	\$ 204,255	\$ 400,000	\$ 283,071
39	0.23	\$ 204,255	\$ 400,000	\$ 283,071
40	0.23	\$ 204,255	\$ 400,000	\$ 283,071
40 Year Total		\$ 11,322,829	\$ 16,000,000	\$ 11,322,829

% Change in Tax Revenue Compared to Current Michigan STC Equipment & Machinery Multiplier Tables	41%	0%
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*Wind Reserves as of 12-31-2020*

General Fund	\$	976,546
Road Patrol	\$	185,552
Voted Road	\$	243,990
Recycling	\$	28,821
Mosquito	\$	121,358
MSU	\$	19,215
Veterans	\$	32,665
Bridge	\$	92,362
Senior	\$	58,259
Med Care	\$	48,036
<b>TOTAL</b>	<b>\$</b>	<b>1,806,804</b>

<b>Combined Total</b>	<b>\$</b>	<b>2,948,868</b>
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*Nextera Settlement in 2017*

\$	667,774
\$	115,485
\$	122,916
\$	19,248
\$	81,044
\$	-
\$	16,172
\$	61,682
\$	25,664
\$	32,079
\$	1,142,064

**CLARK HILL  
Wind Tax Issues Invoices**

1-6-21 Huron Co Invoice (November svc)			\$5,670.75
		PAID	
Akron Twp Billing	323.85		
Blumfield Twp Billing	24.14		
Bullard-Sanford Library	23.40		
Caro Library	12.20		
Columbia Twp	284.17		
Fairgrove District Library	150.05		
Fairgrove Twp	401.86		
Gilford Twp	422.96		
Juniata Twp	119.95		
Reese District Library	36.14		
Tuscola ISD	1220.67		
Wisner Twp	5.98		
Bridge/Streets	152.98		
Senior Citizens	101.84		
Medical Care	79.56		
Road Patrol	423.28		
Roads/Streets	307.34		
Mosquito	201.01		
Recycling	47.74		
Veterans	54.10		
MSU	31.83		
Reimbursement	4425.05		
County Cost			\$1,245.70
Total Invoice Costs Since 2012			\$886,271.27
Total Reimbursements		674628.89	
Total County Cost To-Date			\$211,642.38

## County Jail Committee Function, Roles, and Responsibilities

### Function

1. To serve in an advisory capacity to the County Board of Commissioners regarding the design, procurement and operation of the new County Jail.
2. The committee will consist of members chosen and serve at the discretion of the Board of Commissioners.
3. The Committee shall consist of approximately 7-9 members.
4. The committee is to work under the direction of the Sheriff.
5. The Sheriff shall be the point of contact for the Jail Committee.
6. The Sheriff shall communicate the recommendations of the Committee to the Board of Commissioners. The Board will make all decisions regarding material issues before the committee.
7. The Jail Committee shall execute the wishes and direction of the Board of Commissioners.
8. The Committee shall "act as one" in all public matters, presentations and communications.

### Prospective Members of the Jail Committee may include:

1. Sheriff
2. Jail Administrator
3. One Commissioner
4. One Council Member (if Indiana)
5. Judges or Court Administrators
6. Prosecutor
7. One Community Corrections staff or Board member
8. Probation Chief
9. Respected members of the Public (business person, banker, former elected official, etc.)

### Roles and Responsibilities

1. Identify and communicate the needs of the Sheriff's Office and Jail to the study team.
2. Assist the Study Team in developing the Feasibility Study.
3. Advise the Architect / Engineer regarding jail operations to help assist in the development of a functional, efficient Jail design.
4. Attend regularly scheduled meetings through the course of the study effort.
5. Carefully review all materials provided by the Design and Construction team members.
6. Offer feedback on presentations and material offered by the Design and Construction team in a timely fashion.
7. Facilitate information required by the Design and Construction team.
8. Make recommendations to the Commissioners and Council as to the facility nature, scope, size, cost and location for Board and Council action.
9. Act as a transition committee to provide leadership from the study into the funding/financing phase and design phases of the project.



MAY 2006

# Building Community Support for New Jail Construction

BY GAIL ELIAS

## NEW JAIL PLANNING

Bulletin From the Jails Division of the National Institute of Corrections

**D**uring the 20 or so years that the National Institute of Corrections (NIC) has offered the Planning of New Institutions (PONI) program, "How can we sell the jail?" has been a constant theme. The process of building community support for a new jail has three essential elements: information, involvement, and methods. Support-building efforts that ignore any of these elements are likely to experience significant setbacks, if not failure.

### The Challenge

Jail construction projects present challenges from onset to occupancy. Among the most significant are those related to

building support for the project. Although people often talk about this issue as "selling the project," it is much more than a marketing or sales problem. At the heart of the issue is the harsh reality that jails have few natural constituencies, and those that do exist may have relatively little political influence. Think about the difference between jail and school construction projects. A school project has broad, natural constituencies (parents, teachers) and very sympathetic beneficiaries (children). A jail project can count on jail staff as supporters, but their numbers are relatively small, and many people do not feel particularly sympathetic to the inmate population.

#### FROM THE DIRECTOR

Building community support for new jail construction is not a popular topic among policymakers or between policymakers and their local constituents. Nevertheless, local governments have a public obligation to build and maintain jails that are safe and secure, hold inmates accountable, and provide services necessary for inmates to reenter the community successfully.

The local jail plays a critical role in the community. The intent of this bulletin is to guide policymakers and local stakeholders in a direction that will help them build support for their local jail and dispel the myths surrounding local jail construction.

Morris L. Thigpen, Sr., Director  
National Institute of Corrections

### ***Why Jail Projects Need Community Support***

Most jail projects, even those that are fully funded, need supporters. Why?

- **Being a good neighbor.** Many jails are located in government centers, industrial areas, and mixed-use areas. A jail may be next to other public and private facilities, and it may have residential neighbors. Without support from the jail's new neighbors, siting problems are inevitable.
- **Competing for resources.** Every jurisdiction must make choices regarding the best use of available capital and operating dollars. To ensure adequate resources to address the jail's problems, elected officials must be encouraged to support what is often perceived as a "politically unpopular" cause and make a commitment that may mean deferring expenditures on more popular projects.
- **Gaining voters' support.** Many jurisdictions do not have the financial or legal means to construct a jail without passing a bond issue. The public may have to choose among many initiatives on the ballot, and the general economic climate may affect their choices. Proponents of the jail project will need to build support that translates into approval in the voting booth.

- **Conveying necessity.** Even if funding is not an issue, most elected officials will not want to end their political careers by supporting an unpopular project. The public must agree that the jail is necessary; they must be convinced of the "rightness" of the project.

All of these scenarios relate to the basic need for support, although each may result in a somewhat different approach. How the need for support is perceived can shape the approach taken. Is the purpose to...

- **Sell the project?** As consumers, people have different reactions to "selling." All projects need strong advocates who are willing to speak up for the project in public. These advocates must also be willing to listen to their audience.
- **Educate people about the project?** Education should focus on the need, the options, and the solutions. The assumption is that rational people will support the project once they participate in an educational process. Adults often learn better through interaction and discussion rather than lectures.
- **Inform people about the project?** As with education, the assumption is that people will support the project once they know the facts. However, the information must not flow just one way: problems arise

when people feel they have a considerable stake in the outcome but no opportunity for input.

- **Involve people in the project?** Involving people implies an interactive relationship in which interested parties have opportunities to express opinions and potentially have input into the process. People tend to support what they help to create, even if they disagree with some of the results.

Building support for a project involves all of the above—in different degrees at different stages of the project. Although the "right" approach varies from jurisdiction to jurisdiction, education and information are the foundation for building stronger levels of support for any project, and any approach is more likely to succeed if it emphasizes two-way communication.

### ***In This Bulletin***

This bulletin provides an overview of a support-building process that can be adapted to any jail project. The bulletin discusses methods for building support and getting the word out. It addresses both strategies (broad approaches, such as education and involvement) and tactics (means of implementing a strategy, such as community meetings and jail tours). It also provides examples of how several diverse communities used this process.

## Raising the Issue

Jail construction projects begin in a variety of ways. An outside event (e.g., litigation, escalating pressure from inspectors) may set things in motion. The trigger may be a serious incident or crowding, perhaps combined with the costs of boarding inmates in other jails. Typically, a few people come to realize that *something* has to be done, and a small group begins to talk about the issue. This conversation starts inside the agency that operates the jail but soon spreads to other parts of the justice system and local government. At this point, the problem's scope is undefined and its impact is unknown. Strategies may begin to surface but they are not evaluated. Liability concerns may make people reluctant to acknowledge the problem (see below), but the small group who initiated the conversation share the realization that the problem is unlikely to go away on its own.

At this time, the project is like a pebble dropped in a lake. There is only a slight disturbance where it hits the water. What may be widely known inside the operating agency is barely a topic of conversation in local government offices. Unless a serious incident triggered the conversation, it is "no news" in the local media and not yet a "blip" on the community's radar

### Increasing Public Awareness

#### Key Questions for Early Community Discussions

- What would happen if there was no jail?
  - What options would the courts have to sanction people who don't obey the law?
  - Where would we hold potentially dangerous people while they go through the court process?
- What is the responsibility of the jail:
  - To the community?
  - To inmates?
  - To staff?
  - To the justice system?

(One can also ask the reverse of all these questions.)

#### Video Tool From NIC

The National Institute of Corrections has developed a 20-minute film, "Beyond the Myths: The Jail in Your Community," which provides information about jails in general and the importance of community interest in the jail. This video is an excellent vehicle for community discussions about the local jail and the critical role it plays in public safety. For more information about the video, go to <http://nicic.org/Library/018696>.

screen. Unless those who have a stake in the outcome take action, that is how things will remain.

### Overcoming Inertia

People often regard jails as necessary evils and do not have much interest in (or knowledge of) them. Many think of jails and prisons as the same thing. Public perceptions of jails often are based on television and movie portrayals that do not reflect contemporary jail operations or

design. These fictional accounts also tend to focus on the sensational, which can increase community fears about jails.

Before people can be convinced to care about the jail, they first need to understand the jail's critical role in the justice system and the community. For the justice system, the jail serves two key functions:

- Pretrial detention, ensuring a defendant's availability for court processing if bond is not used.

- Short-term sentences, when the court orders some form of incarceration for a convicted offender who is not eligible for a prison sentence.

Jails are also part of a larger “social contract” between government and the governed. For the community, the jail is part of a public safety system that:

- Manages the behavior of inmates in the institution and potentially in the community—most immediately by separating them from the community for a period of time and perhaps by offering programs and services that may affect their future behavior.
- Holds defendants accountable for the behavior that triggered their incarceration.

If the jail cannot carry out these functions, it may become the weakest link in the chain, compromising the other organizations that play a role in public safety. For example, the police may not be able to arrest certain types of offenders, and the courts may not be able to use jail incarceration as a sanction.

At the beginning of a jail planning project, the small group of concerned officials needs to raise public awareness about the importance of the jail’s relationship to the community. One way to do this is to discuss questions about

the responsibility of the jail to its various constituencies (and vice versa). These discussions can be held in formal settings (e.g., community meetings or focus groups) and informally (e.g., over coffee at a local gathering place).

### ***Acknowledging the Problem***

Some people within the agency or in local government may be reluctant to acknowledge that a problem exists. As the small group of concerned officials begins its efforts to raise public awareness about the jail, it may also need to address this reluctance. It is helpful to keep in mind that (1) people do not want to change until the pain associated with changing is less than the pain associated with not changing, and (2) people will neither care about nor support a solution until they understand something about the problem and why action is preferable to doing nothing.

Some officials who are responsible for the local jail may not want to acknowledge a problem because they think doing so will somehow increase their liability. However, ignoring a problem does not eliminate liability (the phrase “knew or should have known” is common in litigation), and the most likely litigants—inmates—are well aware of the problem firsthand.

Additionally, people who work in law enforcement or jail environments often think of themselves as problem solvers and may not want to admit that the solution to the “jail problem” is not entirely within their control. Even though it is often difficult for those closest to the problem not to move immediately to a solution, that is exactly what is called for in the early stages of the process. Shared understanding of the nature and consequences of the problem is a prerequisite for a consensus about its solution. Arriving at that shared understanding may take a long time, but it is the foundation for what comes later.

### ***Developing a Strategy To Get the Message Out***

#### **The Core Group**

Once the problem is acknowledged, the jurisdiction may consider moving from an informal group (e.g., representatives of the jail-operating agency and local government) to a more formal group such as a criminal justice coordinating or advisory committee. This committee, or “core group,” should include representatives from key elements of the justice system and key constituencies within the community.

Before appointing the formal committee, the core group should have a direct conversation with each potential committee member,

### Going Public With the Problem

At this point in the process, the jail project will probably still be "operating below the radar." It may be possible to use the occasion of establishing the core group to announce the problem to the larger community. Some jurisdictions use press releases or other "resolutions" to raise the issue.

### For More Information

Additional information on working with criminal justice advisory groups is available through NIC's Information Center ([www.nicic.org](http://www.nicic.org)).

covering the committee's responsibility and authority, the resources available to it, and general expectations. It will be necessary to actively seek out these participants. Community members may be reluctant to volunteer—particularly if they have concerns about governmental involvement in this process.

This core group may become the project's information highway into the community, so it is important to think strategically in determining its members. Members should

be people who (1) have a stake in a successful outcome for the project and (2) hold key positions in groups whose policies and practices can affect jail capacity.

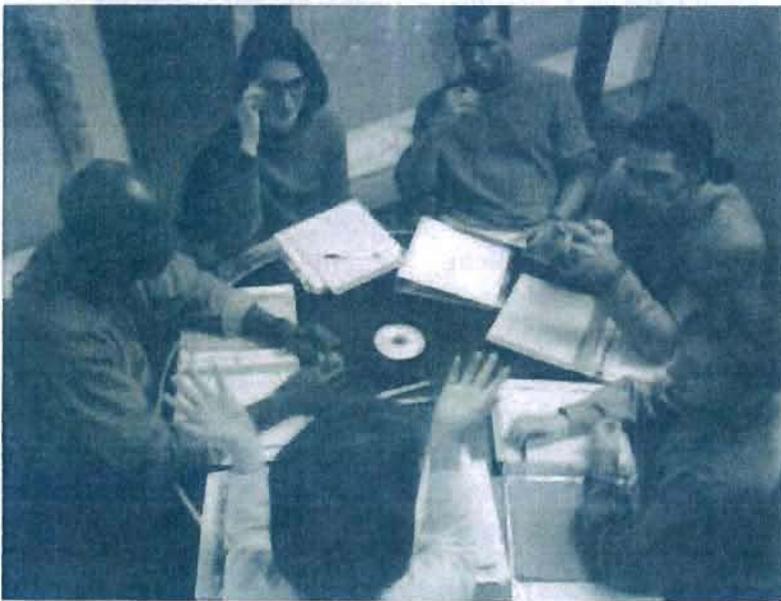
Keeping in mind that **this is the first opportunity to build a support infrastructure for the project**, planners should make a list of all groups that:

- Have a stake in the outcome of the project.
- Are likely to support the project.

- Are likely to oppose the project.
- Are influential in the community.

The local league of women voters, council of churches, and law enforcement and corrections unions are a few examples of such groups. Even if some of these groups are not invited to participate at this point, planners should keep the list for later use.

The committee's initial activities often predate formal project planning efforts. Committee members first need to understand the role of the jail and the nature of the problem. A tour of the current facility is a good start. The "tour guide" must be able to point out deficiencies and problems, because committee members who are unfamiliar with jails are unlikely to understand the implications of what they are seeing. They may also be processing what they see in the context of their own inaccurate perceptions of jails.





### The Focus

The focus at this stage should be:

- What is the problem?
- What resources do we have now (i.e., facilities and alternatives)?
- What is wrong with what we have?
- Why should we change?
- What are some of the options?

This phase is educational and informational. It focuses on the problem, not the solutions. However, this phase probably will raise many questions (e.g., What do we need? What are the options?) that push the planning group toward solutions. It is important not to respond to these questions prematurely, but rather to record the questions and begin the process of getting the information needed to answer them.

This "consciousness-raising" phase usually leads to a more formal needs assessment and potentially a master plan. Then the project is ready to move to the next level of support-building activities.

### Building a Case for Support

This part of the process begins with a clear statement of the problem and ends with a tentative

solution. It involves gathering information, assessing need, exploring options, and developing a strategy for widening the base of support for the project.

### Gathering Information and Assessing Need

Because jails are so expensive to construct and operate, few new jails are built without first exploring other ways of solving the problem. Jurisdictions build jails for three reasons:

- The existing jail structure is damaged, worn out, or otherwise no longer suitable. The jurisdiction may decide to improve, modify, or replace the jail.
- The existing jail no longer "fits" the jurisdiction's need (e.g., the jail is crowded). It is important to understand that building a new jail is not the only option for solving this kind of problem.
- The existing building cannot be operated efficiently and does not provide for effective inmate supervision. For example, inappropriately sized housing units result in staffing inefficiencies and linear-style design makes supervision difficult.

Regardless of the reason for considering a new jail, planners must

thoroughly analyze the facts: information about the physical plant, requirements of current standards and case law, contemporary jail practices, and data about the inmate population.

During this information-gathering and needs assessment process, planners will develop a context for the project, describe how the jail is currently used, document existing conditions and analyze issues, and determine long-term implications.

### Context

The jail does not exist in a vacuum; it is part of the criminal justice system, which in turn is part of the community. The jail's problems probably did not occur overnight, and people will want to know what led to the current situation. A good analysis of trends will reveal the factors that contributed to the problems. In conducting this analysis, the core planning group may ask the following questions:

- Does the physical plant have problems? What are they?
- Are maintenance issues increasing? (Consider the age of the facility and the implications of 24-7 operations as a part of the context.)
- Has the average daily inmate population increased to the

extent that inmates are boarded out? How does this change relate to the length of stay and admissions?

- What factors led to these changes?

### Current Use

This type of information is referred to as an “inmate profile.” It should do more than simply describe the demographic characteristics and criminal background of the jail population. It needs a wider perspective that includes the justice system’s alternatives for managing the population that “uses” jail space. Such a perspective will help planners define the type of beds, programs, and/or procedural changes needed.

### Conditions and Issues

Documenting the existing jail’s capacity shortfalls and problems with the physical plant can be a complicated process. The following sources of information are useful:

- **Jail inspection reports.** If issues are well documented in jail inspection reports, planners can chart the inspectors’ areas of concern. It is important to look back far enough to show patterns and determine how long the problems have existed.

### A Picture Is Worth a Thousand Words

Actually showing jail conditions can have more impact than describing them. Digital photography and video can be used to create “video tours” for presentations. Some jurisdictions have placed “virtual tours” on their Web site. Speeding up a time-lapse video of a congested area (e.g., a sallyport) can show traffic problems without jeopardizing privacy or security.

- **Legal documents.** If issues have led to litigation and/or a consent judgment, the related documents will be informative.
- **Facilities department records.** Records from the facilities department can show the impact of a problem on costs and other aspects of jail operations. Planners may also want to obtain an engineer’s review of the current facilities. Showing cost impacts is always a good idea, but planners must be prepared to explain why the proposed change is more cost effective than just continuing to “fix” things.
- **Records on boarding inmates.** If crowding is part of the problem, planners should obtain financial information on the costs of boarding inmates (including transportation costs). Approaching this task as a market analysis—i.e., determining for how long reasonably convenient boarding beds will be available to the jurisdiction at a price it is willing to pay—may be helpful.

### Long-Term Implications

Planners need to determine the long-term implications of the physical plant issues and the various trends identified in the information-gathering process. This task commonly involves developing jail population forecasts. Planners need to ask:

- What will the jail population be in the future if the local criminal justice system continues its current policies and practices? What will it be if the policies and practices change?
- How far into the future can we realistically plan?
- How long can we realistically expect the new facility, as built, to meet the community’s needs?

At this point in the process, planners typically can estimate how big the facility should be and how long it should last. They can answer the first big project question: How much capacity is needed? That relates to the second big question: How much will it cost?

### *Using Findings From the Needs Assessment*

The information gathered during the needs assessment constitutes the basic elements. More detailed information will be developed as potential solutions are explored. Typically, this more detailed information goes first to a key group of policymakers—the core group appointed earlier. At this stage of the support-building process, a critical task for the core group is to determine how to take this information to the wider community. **This is the second opportunity to build support for the project.** Planners should go back to the list of potential supporters generated earlier and invite those whose participation is needed in this phase of the process.

At this point, planners need to be aware of a myth about jail projects: that a project has just one “public information campaign” and that planners must wait until they have all of the answers before taking the project to the public. More often, the campaign has two phases. The first focuses on identifying problems and documenting needs, the second on examining options. Although, as mentioned earlier, it is a mistake to respond to questions prematurely, it is also counterproductive to wait too long to bring the public into the process.

### Going Public With the Information

- **Use the personal touch.** Plan campaign events as you would plan a party. Send invitations. Call people and invite them personally. A small notice in the newspaper is not enough. The campaign will need telephone and clerical support to ensure that the people who should be involved in the project are there, at the table, when they are needed.
- **Speak carefully.** People will remember the first things you say about the project for a long time. Speakers should not say more than they know, and they should be willing to simply say “I don’t know” if that is the case. They should avoid using “jail jargon.”

### Part 1: Share the Problems and Findings

When the needs assessment has been completed, planners will have a great deal of information and a good idea of what should be done to address the problem. They must, however, continue to resist the temptation to leap into the solution. Starting the campaign with the solution may make people feel that they have not had an opportunity for input, and this can backfire later in the project.

Regardless of the tactics chosen for taking project information to the public, the information must move beyond the core group at this point. How planners approach this task is critical and can shape the kind of support the project receives.

The focus at this stage is:

- What is the problem with the existing jail?

- Why should people care about this problem?
- What is known about the current situation?
- What is needed?
- What options are available for addressing the problem?

It is important during this stage to develop a statement of the *problem*, not the *solution*. The overall strategy should be a blend of information, education, involvement, and participation. As planners take the information to the public, they should ask people for their thoughts, input, and questions. Planners are not asking people for the solution. Rather, they want to encourage discussion and find out what people need to know to support the project. For example, planners might ask:

- What is your reaction to what we’ve presented about the situation?

- What responsibility does the jail have to the community—and the community to the jail?
- What does the community want to achieve by incarcerating people?
- What approaches should we consider to address the problems we've described?
- What criteria should we use in evaluating the options?

This phase will probably generate a list of questions that planners cannot yet answer. The list, which will help to focus the next stage of work and the support-building campaign, is likely to include the big project questions:

- What will it cost to build the jail?
- What will it cost to operate it?
- What will it look like?
- Where will it be located?
- Which option is the "best fit" for the community?

Planners must not "shoot from the hip" to answer these questions. They should explain that they will find answers and create opportunities for sharing them with the public. Regardless of what planners think about the options suggested by the public, they should list all of them and develop evaluations that address them. Presenting responses to these questions at a

later date can be another opportunity to bring people into the process. A number of new potential supporters may emerge during this stage, and planners should consider inviting them to become more involved by joining the planning team, attending planning work sessions, or following the project's progress via a newsletter, a Web site, or another medium. (A sign-in sheet should be used at all gatherings to get names, addresses, telephone numbers, and e-mail addresses for a mailing list.)

### Part 2: Look for the Solution

Moving from the needs assessment phase to a specific plan for meeting those needs requires bringing three elements into balance: (1) what the facts say should be done, (2) what people's values make them want to do, and (3) what the available resources say can be done. It means dealing with economic feasibility and a detailed cost/benefit analysis of each option. It requires developing a prearchitectural program for physical plant solutions and analyzing the operating costs associated with each option. The costs of alternatives to jail confinement need to be part of the equation. Several repetitions of this cycle may be necessary to achieve an appropriate balance.

Framing the options effectively is important. "Doing nothing"

should be included as an option, to demonstrate what will happen if the problem is ignored. It is useful to develop general options that can apply to more than one suggestion (e.g., "expand capacity by renovating an existing building" can apply to various locations). Now is the time to evaluate the laundry list of suggestions from the public.

At this point in the process, the core group is one of the greatest resources. The group can help planners anticipate questions and issues as they prepare for the next public event, where they will present their initial evaluations and encourage further discussion of the options. Planners will need to develop the quantitative, cost/benefit portion of each option before the event. Members of the public who participate in the event can be asked what they see as the strengths and weaknesses of each option, so their views can be incorporated into the final recommendation for a preferred option.

If the forum used in Part 1 worked well, it can be used again for this event. If not, alternatives should be considered. Media strategies should be in place at this point. Planners should talk to the editorial board of the local newspaper, as well as the reporter who usually covers county government. Now is the time to strengthen or repair

relationships with the media, because the project will need their help later. Now is also the time to review the list of potential supporters and opponents created earlier and re-extend the invitation to become involved.

In most jurisdictions, the decision to adopt a particular solution ultimately falls to the elected officials. The work of the core group—to which the public has had access and input—leads to a recommendation. The mechanism for making the recommendation varies:

- It may come from the core group, county administration, or a consultant.
- It may be in the form of a motion by a member of the county commission or other body of elected officials.
- It may be in the form of a recommendation from a subcommittee (in jurisdictions with a larger group of elected officials).

### ***Articulating and Refining the Message***

A “case for support,” mentioned in the title of this section, is a concept borrowed from the world of nonprofit organizations, which rely on individual, corporate, and foundation funding for much of their revenue. In that context, a

### **Elements of a Case for Support**

- **Mission.** Why the community has a jail and how the current facility contributes to the mission. (The current jail may actually be a barrier.)
- **Impact on the environment.** The big picture. How does the current facility influence the community and other elements of the justice system?
- **Problem statement.** What has to change. The problem statement should include both logical components and emotional or value-based components. Different audiences will gravitate to different components.
- **Options and answers.** What options have been considered and what has been identified as the best solution for the community.
- **How you can help.** How citizens can help with this problem.

case for support is a document that explains why people should contribute their resources to the organization, allowing it to carry out its mission. In the context of local government, a case for support may not be a written document, but it has a similar intent. When planners build a case for support for new jail construction, they are asking the public to allow tax dollars to be applied to help carry out a specific mission, and sometimes they are asking the public to show that support by voting on an initiative.

All of the elements of a case for support have been developed during the planning process, which typically takes months or even years. A great deal of information has been assembled and much

group work has been done. Planners have held public meetings and made presentations. All of this is the groundwork for what comes next: reducing this information to its essence and shaping the message to be taken to the broader community. For the rest of the support-building campaign, the message is the focus. A variety of tactics will be used to get the message out, and all details of the project must be kept current and available for use as questions arise.

### **Developing Campaign Strategies**

Information-gathering and other activities up to this point create a kind of infrastructure for the

support-building campaign to come—a two-way pipeline that takes information from the core group to the wider community and then brings the community's reactions and input back to the core group. Planners now need to use that infrastructure to build broader support within the community.

Jail projects usually need more than one support-building strategy. One approach to choosing strategies is to identify potential target groups and then match strategies to the project's likely impact on each target group and to the level and kind of support needed from each group.

### **Identifying Target Groups: Whose Support Is Needed?**

The many groups and individuals whose support is required over the life of the project are known as "stakeholders." If project planning has been under way for a while, the list of stakeholders is probably quite long.

Planners should guard against the tendency to lump together a number of stakeholders into a single group, "the public." The public is far from unified. Furthermore, not identifying *specific* stakeholders can cause planners to overlook influential groups, including ones that could stop or significantly delay the project. Again, the core

group can help identify people whose support the project needs.

Although planners may not yet be able to identify every group whose support they will need, now is the time to start thinking about details. (For example, "groups that represent particular segments of the community" might include the Chamber of Commerce, labor organizations, senior citizens' groups, social activists, and church groups.) Identifying potential opponents within these target groups is essential; ignoring potential opponents can place the project in great peril, as a number of jurisdictions have learned the hard way.

### **Matching Strategy to the Level of Impact**

A jail construction project's impact on a particular target group may be high, moderate, minimal, or none at all. The level of impact is an important factor in choosing strategies for building support. Planners should consider the potential impact of the project on:

- The immediate neighborhood.
- People who work in the facility.
- People who work in other justice system agencies.
- The jurisdiction in which the facility will be located, especially if this is changing.

### **Potential Stakeholders**

- Groups in local government.
- Groups in the justice system.
- Regulators (of any aspect of the project).
- Agencies that serve the jail's clientele.
- Agencies that use the jail's services.
- "Movers and shakers" in the community.
- Voter groups.
- Groups that represent particular segments of the community.
- Groups with a potential affinity for the jail's mission.
- Groups (organized or not) that could block the project.
- Neighbors.

This list is not exhaustive; planners need to identify the stakeholders in their own community.

- Taxpayers, especially those who may be disproportionately affected.

In assessing potential impact, planners need to be aware of the target group's *perception* of the impact. Planners' familiarity with jails can get in the way of

### Case Study: When Impact Assessments Go Right...and Wrong

The location selected by County A for its new jail facility was more than a mile from the nearest community, except for one large luxury home right next door. Planners ran into problems because they miscalculated the project's impact.

The project team correctly identified the potential impact on the neighbor. Elected officials met with the neighbor, using a strategy that asked for the neighbor's input and participation in areas of concern. They illustrated how the project could actually help the neighbor and then made those things happen. As a result, the neighbor became a strong supporter of the project.

On the other hand, planners initially thought the project would not have much impact on the community—the jail would be barely visible from the nearest homes. But community residents, who received only general information about the project, reacted based on how they *perceived* the jail would affect them, responding from an emotional perspective rather than a factual one. Worried about property values, the safety of children walking to school, and the presence of released inmates in the community, residents organized and then began a campaign to stop the project. The situation became a major local news story.

The project team quickly increased opportunities for community input—"listening meetings" for residents, and meetings with organized neighborhood groups, the local press, and the city council. The project team encouraged residents to e-mail their questions and concerns and then responded to every concern voiced. Resistance to the project decreased, and the "stop the project" campaign ended. One year after the new jail opened, the local paper ran a full-page story under the headline "County A Kept Its Promise."

accurately assessing how others might react to the project. Therefore, it may make sense to simply ask people if and how they think the project will affect them.

The rule of thumb for matching support-building strategy to level

of impact is: The greater the potential impact of the project on a target group, the more the strategy should emphasize the active involvement of target group members. When in doubt, assume a higher level of impact.

### Matching Strategy to the Level of Support Needed

The greater the level of support needed from a specific target group, the more planners will need to use strategies that emphasize the active involvement of potential supporters. At the very least, these potential supporters will need:

- Information to help them make informed decisions.
- An opportunity to express their concerns.
- Assurance that their concerns have been considered by project decisionmakers.
- Access to a forum in which they can participate if they wish.

### Matching Strategy to the Kind of Support Needed

Jail construction projects need many different kinds of support. One more way to choose a support-building strategy is to think about the kind of support needed. Planners should consider the following questions:

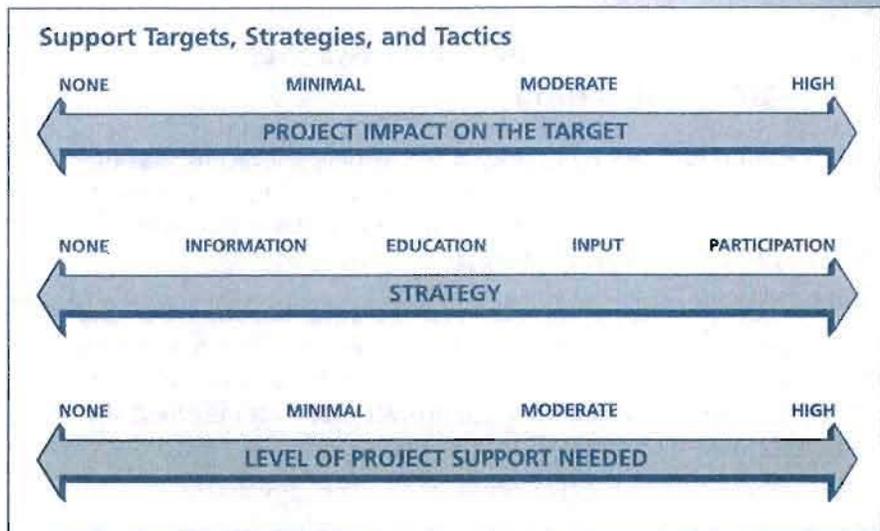
- Do we need this group to take an action? How much effort will be required? *Example:* We need the public to vote to support this project.
- Do we need this group to approve all or a portion of the

project? *Example:* We need the jail inspection agency to approve a request for a variance.

- Will the needed action cost this group something, either financially or nonfinancially? How high is that cost? *Example:* We need the city council to change a practice so that it would allow the jail to connect to a water treatment plant.
- Do we need this group to refrain from acting? *Example:* We need the church across the street from the preferred site not to seek an injunction stopping acquisition of the property.
- Is the nature of support political? Financial? An approval? Moral? Spiritual?

In the “County C” case study, the jail project team clearly needed political support from the commissioners. They also needed support from “the public”—just not the kind of support they thought they would need. Sometimes public support is more than a willingness to vote for the project. It can include verbal and written support from key constituencies and something that seems very much like “moral support” for the project.

County C’s experience also illustrates how strategies that work when planners need the most direct action and the highest level of support can be equally effective



### Case Study: A Multilevel Strategy for a Complex Situation

Geographically large and sparsely populated, County B needed a new jail. The jail would be funded by a special sales tax, to be approved in a countywide referendum. Each city council in the county had to pass a resolution to put the tax initiative on the county ballot. The jail project team planned a two-phase support-building campaign to convince first the city officials and then the voters.

County B’s large city, the county seat, had a somewhat contentious relationship with the smaller cities, which included many agricultural communities and a “free-thinking” resort town. Nevertheless, the county had a history of successful capital project initiatives built on negotiation. For the jail project, that meant offering the cities incentives in the form of local projects to be included on the countywide ballot; the local projects had to be relatively small, though, to balance the cost of the jail.

The jail project team put together an education program, presenting their case for support to all of the city councils and to organized groups in each city. Meanwhile, the county commissioners negotiated with the mayors to define the local projects to be included on the referendum. After much negotiation, the municipalities approved the initiative.

Then the project team created an easy-to-use presentation and took it anywhere they could—senior centers, church groups, the county fair—more than 100 presentations in all. The capital projects tax passed with 63 percent of the vote.



### Case Study: A Cautious Approach to an Unusual Situation

County C had no jail—only a small holding facility. Its arrangement of boarding inmates in three other jurisdictions had worked fairly well, but costs were rising, the jail that held most of the inmates was becoming crowded, and a new court order meant the county had to start a shuttle service for work-release inmates.

County C had the capacity and authority to issue a jail construction bond without asking voters for approval. The three county commissioners agreed that building a jail made sense, but they were concerned about the political consequences of either proceeding without a referendum or holding a referendum, being turned down by the voters, and then having to build the jail anyway.

The commissioners chose to undertake an extensive public education campaign before deciding whether to put the issue up for a vote. They held several large public meetings, asking all participants how they thought the county should proceed. Participants were concerned about the potential cost of the project, but they were more concerned about the costs of failing to address the issue. At one of the meetings, a resident said that the commissioners were elected to make these hard decisions and, if the facts were as clear as presented, they had little choice. "Why put it on the ballot if you know you have to do it anyway?" Ultimately, the commissioners came to the same conclusion. All of the commissioners were re-elected.

when the situation calls for less direct action. County C opted for the highest level of education and involvement and obtained support for its project.

This section has discussed strategies local jurisdictions can use to build community support for jail projects. As noted earlier, whereas strategies are general approaches, tactics are the actions taken to carry out strategies. Tactics should be conscious choices that reflect the environment in which planners are operating.

### Tactics

Support-building tactics fall into two categories: (1) information dissemination and (2) input and

participation. In reality, however, the same tactic may serve both purposes; the distinction is in the intent. (For example, planners may send out a mailing to inform the public about the options they considered in choosing a site. Their purpose may be to justify the choice or to open a public dialog about it.)

### Information Dissemination Tactics

There are many ways for jail projects to get the word out. This section discusses three broad categories—the written word, the spoken word, and images. (Some tactics may combine all three.) The section also notes additional tools (jail tours, radio and televi-

sion, and Web sites) and highlights some points to keep in mind when developing information dissemination tactics.

### The Written Word

All projects use some form of the written word. These forms include project documents, fact sheets, and newspaper articles, editorials, and letters to the editor.

**Project documents** such as the needs assessment, master plan, or feasibility study are the source of choice for people who want to know the details of the project. Make sure the documents are attractive and readable. If they are lengthy, provide a summary. These documents are public information, so make it easy for people

to access them (e.g., post the documents on the project Web site in a downloadable format).

**Fact sheets** provide the essential facts about the project, typically as a bifold or trifold brochure or a single sheet of paper that can be mailed or used as a handout. The fact sheet should summarize information such as jail size, cost, capacity, and key features. Some jurisdictions use a question-and-answer format to present the information.

**Newspapers** can inform the community about any aspect of the project. Although a full discussion of media relations is beyond the scope of this bulletin, planners should be aware of some basic considerations:

- **Articles.** In many jurisdictions, jail projects have worked with reporters who routinely cover the police or courthouse beat to do stories about the jail. These stories can be an excellent way of describing the problem, the consequences of inaction, and the options. Planners should try to get reporters interested in writing about the jail *before* the time for key decisions arrives. They should remember that controversy means more coverage, but it also shifts the coverage away from the facts: Ideally, articles focus on the project, not the people involved.

### Case Study: Preparing To Meet the Editorial Board

County D's relationship with the local press was generally good. However, several months before the jail project team's planned meeting with the editorial board of the daily paper, the county had moved its legal notices to a smaller weekly paper as a cost-saving measure. The team, correctly anticipating that the daily paper would not be happy about this, decided to acknowledge the situation in their meeting with the board.

The team also reviewed current themes in the paper's editorials. One theme that emerged was consolidation of government services. In its case for support to the editorial board, the team emphasized aspects of the project that were consistent with this theme.

- **Editorials.** Editorials are especially important if the project will require a vote. The project team should meet with the editorial board to make a case for support. The team should try to anticipate issues the editorial board members may raise and should listen carefully to their views.
- **Letters to the editor.** Most newspapers print letters to the editor on topics of local interest. Government officials may not be in a position to write letters on behalf of the jail project, but private citizens who support the project can do so.

### The Spoken Word

The spoken word may be the most powerful form of information dissemination; it can either build support or create obstacles. One underrated but important aspect of building support is the willingness of people who are involved with

the project to speak up for it. Project participants can share their knowledge with friends and family and influence them to become advocates for the project.

Project "insiders" must always speak with one voice. This does not mean becoming "yes men" who never challenge options and positions in private. It does mean, however, sticking with a decision once it is made. Nothing is more detrimental to a project (or a bigger story for the press) than division within the ranks.

The spoken word includes both formal presentations and informal conversation. Both are important to the success of the project.

**Formal presentations** can occur in a variety of settings:

- **Presentations to elected officials.** These usually occur as project milestones are achieved (e.g., completion of the needs



assessment) and may be largely ceremonial. If the project team is working well, there should be no surprises. These presentations are opportunities to bring the project to the attention of the media and of an audience who may be attending the meeting for other purposes.

- **Community meetings.** If a meeting is purely informational, make sure participants leave with a written summary (e.g., the project fact sheet). People often do not remember much of what they hear, and having the facts in writing guards against different versions emerging from the same presentation. Reinforce the spoken word with photographs or other images.
- **Speakers bureaus.** Creating a “speakers bureau”—a group of knowledgeable people who are prepared to speak about the project—is a tried-and-true

way of getting the word out. The project team should actively seek out target groups whose support the project needs and ask if they are looking for luncheon speakers. Speakers must be consistent in their presentations:

- **Use a script.** These presentations will be brief, typically 20 minutes or less. Speakers should use an outline. If at all possible, they should incorporate a video or an automated visual presentation (such as PowerPoint) to summarize key points.
- **Develop a list of questions and answers.** All presentations are likely to include a question-and-answer period. The project’s core group should try to anticipate questions and prepare speakers to answer them. Speakers must also be prepared to say “I’m not sure, but I’ll find out and

get back to you” or “We’re working on that and we’ll have an answer at a later time.” Each speaker should contribute to a list of questions asked and answers given, to keep information current and consistent.

**Informal conversations** can be one of the most effective ways of sharing information about the project. Every community has its places where people congregate for morning coffee or after-work socializing. Keeping in mind the caveats (consistency, etc.) for formal presentations, project insiders should take advantage of these opportunities to talk about the project. This approach, particularly when combined with active listening, can give the project team a good feel for what the community is thinking.

### Images

Pictures can be worth a thousand words—if they convey the intended message. They can also combat misinformation about the nature of jails as institutions and as public buildings. **Photographs and videos** are useful for describing problems in the existing jail and showing what the new jail will be like. Digital technology makes it easy to create “before-and-after” images. **Charts and graphs** make statistical information about the project clearer and give it greater impact.

### Case Study: Using Video To Contrast the Old and the New

County E's jail was more than 100 years old. The exterior blended with the nearby courthouse and administration building, but inside, the structure had all the problems of a 19th-century building in the 21st century. The project team documented these problems in a digital video, which they shot, edited, and produced themselves. The team used the video in a presentation that began with NIC's "Beyond the Myths" video (see sidebar, page 3), which includes footage of contemporary facilities and provides many images of functional areas. County E's video used images of the same areas in the old jail, creating a clear contrast.

### Tours

Although virtual tours are a good way to generate interest in and support for a project, there is nothing like an actual tour of the existing jail. Keep in mind that the tour guide is familiar with the jail but the "guests" are not. The guide needs to point out things and explain why they are important or a problem. Consider using a script with key points to emphasize during tours, and set expectations for "tour guides."

### Case Study: Outreach via Public Access Television

County F's public television station was always looking for things to fill air time. The jail project team scripted and filmed four presentations on key project topics. Each segment included information, discussion by team members and interested citizens, and related images. The segments ended with an invitation to call the project's hotline and come to its regularly scheduled public meetings. When the station ran the presentations prior to the meetings, hotline calls increased and "new faces" appeared at the meetings.

### Radio and Television

Most media outlets are required to provide some public service programming, and some jurisdictions have access to their own stations. At key points in the campaign, **talk shows** can be a useful way to inform the public. Participants should know topics and questions in advance. They should also consider the show's audience and be prepared for call-in questions.

**Round table** discussions are another potentially useful format. These discussions can be either scripted or freeform but always need a focus.

At times, the project may attract **mainstream media** coverage. The project team should have a number of 20-second sound bites prepared for these occasions, which are good opportunities to be "on message" and to interest people in learning more about the project by coming to community meetings, calling a hotline, or visiting a Web site.

### Web Sites

Web sites can potentially combine most of the informational media discussed in this section *and* serve as a vehicle for input from the community (e.g., online surveys, question-and-answer pages). However, jail projects need to be aware of two critical aspects of Web sites:

- **Development and maintenance costs.** Good Web sites require considerable effort to develop and maintain. Information must be updated regularly. If a project lasts several years, this can involve considerable investment of time and effort.
- **Getting people to use the site.** Web sites are generally passive; they do not seek their own audiences. The team will need a strategy for sending people to the site.

### Case Study: Promoting the Project Web Site

To get people to check its Web site more regularly, County G's jail project team added a live-time daily feature that showed how many inmates were boarded out and the costs to date, and a photo/video series that typically showed time-lapse images of key areas of the jail (e.g., the vehicle sallyport). The team also found a sponsor to purchase pens, pencils, and inexpensive computer gear with the project's Web address. These items were distributed at every presentation. The Web site was also featured on the title page of all project documents.

### Points To Keep in Mind

Jail project teams should keep several things in mind as they choose and implement information dissemination tactics, especially when ballot initiatives are involved.

- **The overall campaign.** Most projects use many different methods to get the word out. Information dissemination tactics should be part of an overall campaign that is timed to the project's schedule and key events.
- **Project cycles.** Projects have natural cycles. Periods of quiet

work and preparation alternate with periods of intense public activity, but planners always need to keep the project in the public eye.

- **Timing.** The project team should carefully consider the timing of announcements and presentations. (Timing is also an issue in scheduling the ballot initiative itself. Should it be part of an off-year election? Should it be a special election? What other initiatives are likely to be on the ballot? Who is likely to vote in the election being considered?)
- **Signs and slogans.** These should reflect the project's message and be readily identifiable. The language should be clear (ballot language often is not).
- **Opinion pieces.** Elected officials and citizen organizations (e.g., League of Women Voters) usually put out pro-and-con mailings on each initiative in an election. This is also an opportunity for the jail project team to state its case.
- **Legal issues.** In many states, it is illegal for a local government to advocate for a ballot initiative. Governments usually can provide information, but not money, for advertising, signs, etc. The project team should know the rules in its jurisdiction.

- **The target audience.** The project team should match each information dissemination tactic to the intended audience. This requires an awareness of the kinds of things the community responds to.

### Input and Participation Tactics

Any of the information dissemination tactics in the previous section can become a means for input and participation, if the audience is encouraged to become actively involved in the exchange of information. The project team should be aware of opportunities for input and participation in two contexts: (1) the organized groups that are directly involved in the project and (2) the general public.

### Organized Groups

Jurisdictions often establish a **planning group** during both the master planning and prearchitectural programming phases of a jail project. An earlier section discussed the role of the project's core group—people who have a high stake in the outcome of the project and were involved in getting it started. However, planners should also seek input from jail staff (e.g., the person currently responsible for booking can help plan how that function will work in the new jail). In addition to contributing valuable information

to the planning process, these individuals can advocate for the project with their peers.

An earlier section discussed the potential use of **advisory groups** as a means of involving a broader spectrum of the community in the jail project. These groups, with their outsider's perspective (i.e., outside the criminal justice system), can also provide a "sense" test for the project team: if the project makes sense to them, it is likely to make sense to the community members they represent. Advisory groups can also add legitimacy to the project and may actually become part of the team that takes the project to the public.

### The General Public

Jail projects can use a number of different approaches to encouraging the active involvement of community members:

- **Public hearings.** All local governments are familiar with these highly structured events. A chairperson runs the meeting, attendees must register to speak, speaking times are limited, and there is no opportunity for dialog (the convening group takes comments under advisement and acts at a later date).
- **Listening meetings.** At these meetings, the convening officials simply listen to citizens. Less formal than a public

hearing, a listening meeting is particularly useful in helping officials learn what the public sees as the issues in a controversy.

- **Surveys.** These may be traditional public opinion surveys in which the jurisdiction polls a scientific sample of citizens to determine their opinions or the extent of support for an initiative. Less formal surveys can also be useful.
- **Focus groups.** Focus groups are smaller meetings in which participants interact with a facilitator and each other. Participants may be selected randomly or from specific subgroups of

### Case Study: Surveys as Two-Way Information Pipelines

The project team in County H thought that residents needed a better understanding of what the jail does. The team assembled a public safety "test," which included questions about the jail (including how it differs from a prison). The test was distributed to as many groups as possible (including shoppers at the local mall), along with answers that provided critical information about the jail. This process also gave team members opportunities to discuss the community's jail problem.

the community. These sessions provide more of an opportunity for dialog and can give the project team a deeper understanding of public perceptions on a particular topic. A record of the discussion is kept for reference purposes.

- **Community meetings.** Also known as public forums, these gatherings are likely to involve larger numbers of people. Traditionally, they have been used to disseminate information; with a little effort, they can become a vehicle for input and participation. This usually requires more than simply asking for questions at the end of a presentation. One approach is to use structured small-group discussions with a "report out" from a group representative. These discussions focus on a specific task, such as responding to questions relevant to the current stage of the project. In addition to announcing meetings in the local paper and other outlets, the project team should keep lists of attendees and personally invite them to future meetings.
- **Neighborhood or special group meetings.** The project team should actively seek out two kinds of groups: (1) those most affected by the project and (2) those whose support is essential. The team should be

### **Case Study: Making the Most of a Community Meeting**

At its community meeting, the County I jail project seated participants at round tables for eight, with an advisory group member at each table. After the formal presentation, each table developed criteria for evaluating options to address the jail problem. These criteria were eventually grouped into the evaluation tool used by the project team.

proactive, taking the project to the group rather than waiting for the group to make the first move. Team members should attend regularly scheduled meetings of any group in these two categories.

### **Putting It Together: One Community's Experience**

One community's experience with building support for a jail project illustrates how the elements discussed in this bulletin can work together in a winning strategy. It also illustrates how small things can influence outcomes and how projects can learn from failures.

#### ***The Initial Campaign***

County X knew it had a problem with its 100-year-old, 120-bed

jail, which was crowded, inefficient to operate, and becoming difficult to maintain. The sheriff, county board, and county administrator agreed that a "quick fix" would not work this time. (Just 5 years earlier, the county had converted a former warehouse into an 80-bed minimum-security facility, solving its bedspace problem at a reasonable cost. But the jail population increased again, and now the county was boarding inmates in other jails.) The county hired an architect and a consultant to help plan a new jail.

Believing that the best approach would be to develop a good solution and then educate the public about it prior to the required referendum, the county worked with the consultants to complete a population forecast, a prearchitectural program, and a schematic design for a 6-story, 600-bed jail on the same site as the current jail. The county established a \$50 million budget for the project and developed a presentation that highlighted the problem, the rationale for the solution, and what the new facility would look like. The sheriff and other county representatives, along with the architect, made more than 200 presentations to community groups in a public education campaign.

#### ***The Obstacle***

Officials believed they had made the best choice and had put together a strong case for support. However, one segment of the community strongly disagreed and was highly motivated to do something about it.

As the shape of the new jail facility emerged, a group of homeowners who lived on the bluff above the jail became concerned that the new structure would block their view of the river. This neighborhood group attended public presentations and spoke out about issues that resonated with the rest of the community. (One opponent later said the group purposely used the cost issue to defeat the project rather than relying on the more parochial issue of the facility's height.) The group found financial supporters and placed prominent "NO" signs in yards.

The county tried various strategies to counter the neighborhood group's influence, but it lost the referendum by more than 10 percentage points. Unfortunately, the jail problem remained.

#### ***Learning From Experience***

County X policymakers decided to ask residents why they had not supported the referendum. With the help of a professional planning consultant, the county held a

community summit at which all residents—not just the most vocal—had input.

Several issues emerged:

- The project was seen as too expensive and too large.
- No other options (e.g., alternatives to incarceration, increased efficiency in the justice system) had been considered.
- Community members had not been invited to participate in the process.

After the summit, the county established a strategically named advisory group—the Community Jail and Alternatives Advisory Committee (CJAAC)—consisting of representatives from the criminal justice system and the community (including residents who had opposed the project). CJAAC worked with system efficiencies for about a year and concluded that the county still had a facility problem. It made two recommendations that shaped the course of the project:

- The consultant would work with CJAAC in an open, public process.
- The consultant would address system issues and alternatives before moving toward a facility solution (i.e., building a new jail).

### Responding to Public Input

**The input:** At County X's community summits, one participant asked why the county hadn't considered renovating an abandoned hotel to house inmates, and another asked about joining with surrounding counties to develop a new jail facility.

**The response:** In developing its facility options, the county worked out the extra staffing costs that would be involved in adding the hotel facility, and the consultant did a "market analysis" that addressed the potential of regionalization. This information was presented at the next community summit.

### Starting Over

The first support-building campaign had focused on public education. The second focused instead on public involvement in the planning process (and therefore lasted about three times as long). The county and CJAAC were determined to address all of the issues identified at the summit and to listen carefully for new issues that emerged during the public planning process. As a result, the second support-building campaign ran parallel to the planning process.

### Planning

County X completed a **needs assessment** that focused on describing the problem and examining how the justice system functioned. Working with the consultant, CJAAC identified two project tracks:

- **The program track.** New program approaches to manage the jail population and reduce recidivism (substance abuse and mental health interventions, a program for sentenced misdemeanor offenders, and enhanced educational/vocational services for jail inmates) were identified and tested. As a result, potential providers became involved in the process and began to speak for it in the community. The project was now seen as more than "just a jail."
- **The facility track.** Once the new programs were developed, CJAAC determined that the county needed 375 jail beds, rather than the 600 initially proposed. It identified four options: continuing to board prisoners in other locations, adding a third facility, expanding/renovating one of the existing facilities, and replacing one of the facilities.



### Building Support

County X, recognizing that it still needed a high level of public support, chose a strategy that included education but *focused* on participation and involvement. To implement its strategy, the county used many of the tactics described in this bulletin.

During the **needs assessment**, CJAAC hosted a second community summit. This summit used structured groups (participants seated at round tables with a CJAAC facilitator) to engage participants in defining the jail's mission statement and choosing criteria for evaluating options.

In the **program track** phase, CJAAC expanded the project's support infrastructure by creating stakeholder groups for each of the four programmatic interventions being developed. These groups, which included community members, service providers, and criminal justice officials, developed recommendations for the county's Board of Supervisors. During this phase, more than 60 community members became involved in the planning process.

During the **facility track** phase, issues raised during the two community summits shaped the options developed by planners, who then presented the options at a

third community summit. Small groups seated at tables with CJAAC representatives discussed the options and, using the criteria developed at the second summit, selected the top two. In an open-mike forum, a facilitator gathered information from the groups and created a prioritized ranking. Participants then completed a "straw vote" (the ballot had space for comments/questions), and the results were tabulated and shared. (Interestingly, three of the options were very close in lifecycle cost, and all made some use of existing facilities.)

### The Final Campaign

Once recommendations had been submitted to the County Board of Supervisors, CJAAC started the final phase of the support-building campaign. Although the public had been involved throughout the process, success at the polls required a broader approach.

Again, County X used many of the tactics described in this bulletin. The Sheriff's Office hosted more than 100 jail tours. The project's speakers bureau used summit materials in presentations to community groups. Efforts to address concerns raised by the editorial board of the local paper resulted in the paper's endorsement of the project.

### Political Developments

As an alternative to achieving the required 60-percent vote in another referendum for the jail facility, County X explored the idea of developing a joint-use facility with another governmental entity. Such a facility could be approved by a simple majority (more than 50 percent). There were obstacles to overcome:

- The state legislature had to pass a minor legislative change.
- County X had a problematic relationship with the likely partner, City Y.
- City Y was planning a new police facility—a good candidate for joint use. But that project was moving forward rapidly.

County X worked with local representatives and other counties to get the needed legislative change. City Y elected a new mayor and city council, providing an opportunity for County X to explore shared interests. The county and city determined that both would benefit from consolidating some of the jail and police functions (e.g., communications, evidence and property management, parking). They decided to connect the two facilities, while maintaining enough separation to allow each project to move forward on its own timetable.

### The Outcome

The ballot initiative for the new jail passed by a 58-percent margin. Clearly, the political developments increased the odds of success: Without the joint-facility approach, County X could have done everything right in its support-building efforts and still failed. But without CJAAC's 3-year public planning effort, would the city and county have been able to collaborate on what could have been viewed as an unpopular project?

### Conclusion

For a jail project to succeed, project officials cannot depend on others to carry the ball. Consultants and staff can help develop the information and structure the process, but success requires the personal involvement, commitment, and leadership of those in charge.

### Acknowledgments

Special thanks are extended to Virginia Hutchinson, chief of NIC's Jails Division, for her support and to Alan Richardson, Jails Division Technical Assistance Manager, for his expert guidance and technical expertise in bringing this project to fruition. Thanks also to Lynn Marble and Amy Salsbury of Lockheed Martin Information Technology/Aspen Systems Corporation for their editorial suggestions and design expertise.

In defining what they can do to increase the potential for success, project leaders should ask themselves:

- Am I willing to be associated with this project?
- Will I advocate for an "unpopular" cause?
- Will I work to transform that cause into something the community understands and can support?

If the answer to all of these questions is yes, now is the time to begin working with others on the project team to build a strong case for support and a consistent message. Rather than waiting until every question is answered and a solution is selected, the team should start right away to build the support the project needs to transform it from plan to reality.

### About the Author

As vice president of a criminal justice consulting firm, Gail Elias provides consulting services in areas such as master planning, prearchitectural programming, and transition into new facilities. She has authored publications on a number of criminal justice topics. Previously, Ms. Elias was employed by the Boulder County (Colorado) Sheriff's Department as Director of Administration. She holds a master's degree in public administration from the University of Colorado, where she is currently a doctoral candidate.

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**AMENDMENT TO COMMUNICATION SITE LEASE AGREEMENT (GROUND)**

THIS AMENDMENT TO COMMUNICATION SITE LEASE AGREEMENT (GROUND) ("Amendment"), dated as of the latter of the signature dates below, is by and between Thumb Cellular, LLC, a Michigan limited liability company, of 82 South Main Street, P.O. Box 650, Pigeon, Michigan 48755-0650 ("Lessee") and the Tuscola County, a Michigan municipal corporation, of 440 N. State Street, Caro, Michigan 48723 ("Lessor").

WHEREAS, Lessor and Lessee entered into a Communication Site Lease Agreement (Ground) dated April 10, 2012, whereby Lessor leased to Lessee the Leased Premises therein described that are a portion of the Land located at 420 Court Street ("Agreement"); and

WHEREAS, Lessor and Lessee wish to amend the Agreement as set forth below.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor and Lessee agree as follows:

1. The following shall be added to the Agreement as Paragraph 25:

25. **Security Camera.** Lessor wishes to install a camera on the Tower for a security feed to cover Lessor's parking lot near the Leased Premises. Lessee, at Lessee's expense, shall install such camera provided by Lessor on the Tower in a location acceptable to Lessee, which will likely be approximately ten (10) feet high. Lessee shall not be liable to Lessor and Lessor waives all claims against Lessee for any damage to the camera, inconvenience, interruption in service or interference from any cause other than the willfully wrongful acts of Lessee. Lessor, at Lessor's expense, shall be responsible for any maintenance, repairs and replacements of such camera. Lessor shall be given access to the camera after reasonable written notice to Lessee with Lessee's supervision if required by Lessee.

2. **Other Terms and Conditions Remain.** In the event of any inconsistencies between the Agreement and this Amendment, the terms of this Amendment shall control. Except as expressly set forth in this Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this Amendment.

3. **Capitalized Terms.** All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

IN WITNESS WHEREOF, the parties have caused their properly authorized representatives to execute and seal this Amendment on the dates set forth below.

LESSOR

LESSEE

Tuscola County, a Michigan municipal Corporation

Thumb Cellular Limited Partnership

By \_\_\_\_\_

By \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

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

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

11967-00001-5221821-1



Tuscola County

Shelly Lutz &lt;lutzs@tuscolacounty.org&gt;

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**FFCRA Expiration**

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Ashley Bennett <abennett@tuscolacounty.org>  
To: Shelly Lutz <lutzs@tuscolacounty.org>

Tue, Jan 12, 2021 at 10:26 AM

Good morning Shelly,

I did some more thinking on this topic and am worried that if we neglect to pay our employees for the time we are requiring them to be off for the protection of others we will end up with a bunch of sick people that are not willing to speak up for fear of not being paid if they do not have enough sick/vacation days to cover the required leave. In the third paragraph from the bottom of the MAC letter you sent, it states, "it would likely be safer for counties not to voluntarily extend the EFMLA or EPSLA but, if desired, implement a special leave/paid sick leave policy that provides alternative to EFMLES or EPSLA." This suggestion seems to be the best case scenario in protecting the majority of people both financially and medically.

I had asked my employees hypothetically how they would proceed if they did not have time available to take off and were exposed to a positive COVID case and the majority of them responded that they would not say anything and would still come to work because they need to be paid. That is scary to think about, but unfortunately there is nothing safe guarding us from that happening and until we have a solid policy in place to be able to explain to them the process, my fear is that we could already be having an employee in this building that is either positive or exposed to a positive case. We are hoping the COVID form that is filled out every morning is being done truthfully, but in all honesty, people know what answers they have to give in order to be present at work, and how do we police whether the responses are truthful? In our office alone, we had a person that was in direct contact with a COVID positive case three days in a row and still came to work without telling anyone or being tested themselves to protect others.

I'm not sure any of this helps, but just a few thoughts to hopefully contribute to a positive solution for the county.

Tuscola County Treasurer  
p: (989) 672-3895  
f: (989) 672-3894

On Tue, Jan 12, 2021 at 8:19 AM Shelly Lutz <lutzs@tuscolacounty.org> wrote:  
[Quoted text hidden]



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## FFCRA Expiration

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Mike Miller <mmiller@tuscolacounty.org>  
To: Shelly Lutz <lutzs@tuscolacounty.org>

Tue, Jan 12, 2021 at 11:21 AM

If the County were not to cover the employee's wages would lead to employee's coming to work if they do not feel well. The maintenance and recycling departments both have part-time staff that do not have any vacation or sick time to use, and most likely could not afford to not get paid for an extended period of time. This could lead them to come to work sick and cause the entire staff to have to quarantine. The impact of say the custodial staff being in quarantine, would have repercussions on most of the County buildings.

I would like to see the County to approve of the employee wages being paid during the time they are out for a Covid related issue, for at least the next 6 months, and then revisit the issue.

On Tue, Jan 12, 2021 at 8:19 AM Shelly Lutz <lutzs@tuscolacounty.org> wrote:  
[Quoted text hidden]



Tuscola County

Shelly Lutz <lutzs@tuscolacounty.org>

**FFCRA Expiration**

Sandra Nielsen <snielsen@tuscolacounty.org>  
To: Shelly Lutz <lutzs@tuscolacounty.org>

Tue, Jan 12, 2021 at 11:22 AM

Shelly,

If someone is diagnosed with Covid and advised to quarantine by the health department, I think we should be allowed to authorize and approve for paid Covid time off.

On Tue, Jan 12, 2021 at 8:19 AM Shelly Lutz <lutzs@tuscolacounty.org> wrote:  
[Quoted text hidden]

--  
Sandra Nielsen, ENP  
Director  
Tuscola County Central Dispatch  
1303 Cleaver Rd  
Caro, MI 48723  
989-673-8738 ext 2  
fax: 989-672-3747



Because every second counts. Sign up today.





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## FFCRA Expiration

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Eean Lee <eean.lee@tuscolacounty.org>  
To: Shelly Lutz <lutzs@tuscolacounty.org>

Tue, Jan 12, 2021 at 2:51 PM

I echo other ideas that I've already heard discussed. We don't want to force someone who's sick to come in so they get paid, and gets others sick.

I luckily haven't had a problem with this at all in the past but we should be working with the employees to "borrow time" or something else, if they don't have any PTO to use. That could be tracked in Kronos and paid back in sort of a reverse comp time situation.

### **Eean Lee**

Chief Information Officer  
Tuscola County  
www.tuscolacounty.org  
989-672-3773 (Office)

On Tue, Jan 12, 2021 at 8:19 AM Shelly Lutz <lutzs@tuscolacounty.org> wrote:  
[Quoted text hidden]



Tuscola County

Shelly Lutz <lutzs@tuscolacounty.org>

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## Ref extension of FFCRA

1 message

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Glen Skrent <ggs@tuscolacounty.org>  
To: Shelly Lutz <lutzs@tuscolacounty.org>

Wed, Jan 20, 2021 at 1:43 PM

I feel the board needs to be the ones who decide so that it is fair across the board. We have multiple employees who have spouses working in another department so it would cause a flurry if one got the benefit and the other didnt?

Sheriff Glen Skrent Tuscola County Sheriff's Office

**"If you find yourself in a fair fight, you didnt plan your mission properly."**

COUNTY:	CONTINUE PAY:	NOTES:
BAY COUNTY	NO	N/A
BERRIEN COUNTY	NO	INTERESTED IN WHAT OTHERS ARE DOING WHO MIGHT HAVE OR BE CONSIDERING A POLICY
GENESEE COUNTY	NO	ALL DEPARTMENTS RTW AS OF RIGHT NOW
GRAND TRAVERSE COUNTY	NO	DURING FIRST ROUND ABLE TO MANAGE IN PERSON & REMOTE. HAVE NOW IDENTIFIED CLASSIFICATIONS THAT WERE NOT UTILIZED AND/OR ABLE TO WORK IN FULL SHIFTS EITHER IN PERSON OR REMOTE AND MAY NOW BE SUBJECT TO LAY OFF IN THE FUTURE IF NECESSARY AND HAVE BEEN PLACED ON NOTICE.
HOUGHTON COUNTY	UNDECIDED	WORKING ON POLICY
HURON COUNTY	NO	SHERIFF'S OFFICE AND DISPATCH WILL CONTINUE TO BE PAID UNTIL 4-1-2021 UNDER QUALIFYING COVID EVENT - PLEASE SEE FFCRA. ALL OTHER COUNTY DEPARTMENTS NO.
IOSCO COUNTY	NO	INTERESTED IN WHAT OTHERS ARE DOING WHO MIGHT HAVE OR BE CONSIDERING A POLICY
LAPEER COUNTY	NO	INTERESTED IN WHAT OTHERS ARE DOING WHO MIGHT HAVE OR BE CONSIDERING A POLICY
MONROE COUNTY	NO	In any occurrence we continue to be as flexible as possible with the workforce by developing available work from home options when feasible. Employees are either required to work their full shift or supplement with PTO to make a full work week or temporary possible furlough.
OTTAWA COUNTY	PLEASE SEE NOTE	MANTAINED A LOCAL EMERGENCY DECLARATION. DECLARATION EXPANDS THE AUTHORITY THE COUNTY ADMINISTRATOR HAS TO ISSUE ADMINISTRATIVE RULES "AR'S" (WHICH PRE-EXISTED COVID-19) TO UTILIZE EMPLOYEES OUT OF JOB CLASSIFICATIONS, CLOSE FACILITIES PARTIALLY OR FULLY, APPROVE THE COVID PREPARDNESS AND MAKE BUDGETARY AND POLICY CHANGES AS NEEDED DURING THE PANDEMIC. REPORT ANY AR'S ISSUED TO BOC. BOC IS VERY SUPPORTIVE AND USES A TEAM APPROACH. A TYPICAL AR INVOLVES AT LEAST SHERIFF, EMERGENCY MANAGEMENT DIRECTOR, HEALTH OFFICE, HR DIRECTOR, FACILITIES DIRECTOR, FISCAL SERVICES DIRECTOR AND IT DIRECTOR.
SANILLAC COUNTY	YES	EXTENDED TO 03/31/2021 FOR ALL EMPLOYEES WITH QUALIFYING COVID EVENT AS OUTLINED IN THE FFCRA

DEPARTMENT:	VACATION HOURS CARRIED OVER SINCE COVID :	APPROVED BY:
UNIFIED COURT	82	CHIEF JUDGE
CIRCUIT COURT	75	CHIEF JUDGE
DISTRICT COURT	75	CHIEF JUDGE
FOC	119.5	CHIEF JUDGE
MAGISTRATE	26.25	CHIEF JUDGE
CLERKS OFFICE	60	BOC

stay is required. See the Non-Personnel Travel/Meal policy for full details on mileage, meals, and accommodations. The County Travel Expense Voucher must be completed within 60 days of the event.

## LEAVES OF ABSENCE

### Section 5.0. Unpaid Personal Leave

The County may in its discretion grant an employee a personal leave of absence without pay or benefits for a period not to exceed thirty (30) calendar days. Requests for an unpaid personal leave of absence shall be submitted in writing to their Department Head. All requests shall state the reason for the leave and must be signed by the employee. An extension of an unpaid personal leave of absence may be granted by the County in its discretion, provided the extension is requested in writing prior to the termination of the original leave period. No unpaid personal leave of absence may be granted for a period in excess of six (6) consecutive months. No request for an unpaid personal leave of absence shall be considered approved unless such approval is in writing signed by a representative of the County Board.

### Section 5.1. Paid Personal Leave

Full-time employees scheduled to work eighty (80) hours per bi-weekly pay period will be provided with sixteen (16) hours of paid personal leave each calendar year and full time employees scheduled to work seventy-five (75) hours per bi-weekly pay period will be provided with fifteen (15) hours of paid personal leave each calendar year. Paid personal leave must be scheduled in advance at a time mutually agreeable to the Employer and the employee. Paid personal leave will be charged hour for hour for all time off from the employee's scheduled hours. Paid personal leave must be used during the calendar year in which it is granted and paid personal leave unused at the end of the calendar year will be forfeited. Employees leaving the employ of the County will not be paid for unused paid personal leave. Newly hired full time employees will be provided with pro-rated paid personal leave based upon the number of complete months of service remaining in that calendar year.

### Section 5.2. Paid Sick Leave

Full-time employees shall earn and be granted sick leave of absence with pay under the following conditions and qualifications:

- A. Paid sick leave will be earned at a rate of one (1.0) day for each month of active service with the Employer. For purposes of this section, a full-time employee has a complete month of active service when they work or receive pay for at least twenty (20) days during any calendar month. A day of sick leave shall equal the number of hours in the employee's regular workday. Sick leave shall be paid at the employee's regular hourly rate of pay when the sick leave is taken.
- B. Employees may utilize paid sick leave when it is established to the Employer's satisfaction that an employee is incapacitated due to illness, injury or other disability; or for the purpose of physician's appointments that cannot be scheduled outside of regular working hours; and in the event of a major illness or accident emergency that requires the employee's presence to care for a spouse or a child residing in the home with the employee. Disability associated with pregnancy, miscarriage, abortion or child birth shall be treated as any other disability. In instances where the paid sick leave is taken because of a serious health condition that makes the employee unable to perform the functions of their job, the leave will be considered to be a family and medical leave.

- C. An employee shall be eligible for paid sick leave only if they make every reasonable effort to notify the Employer of the need to utilize paid sick leave before the start of their scheduled day of work. Employees will be required to sign a statement of request or complete a request in the attendance system for sick leave. The Employer may require, in addition to the employee's own statement, a physician's certificate showing that the time off was due to actual disability, provided that such a request is reasonable under existing circumstances. Such a request shall not apply to short sick leaves of one or two days, unless such leaves are habitual. Falsification of the physician's certificate or falsely setting forth the reasons for the absence shall constitute just cause for discipline, up to and including discharge.
- D. At the end of each calendar year, all accrued but unused sick leave hours in excess of twenty (20) days shall be multiplied by the employee's straight time regular rate of pay as of December 31 of that year, and one half (1/2) of that amount shall be paid to the employee. Non-probationary employees with at least ten (10) years of service who voluntarily resign their employment without disciplinary action pending shall be paid for all accrued but unused sick leave hours at twenty-five (25%) of their current regular straight time rate of pay. Employees who retire under the County's retirement plan with less than twenty (20) years of County service and are eligible to immediately collect retirement benefits shall be paid for all accrued but unused sick leave hours at fifty (50%) percent of their current regular straight time rate of pay. Employees who retire under the County's retirement plan with twenty (20) or more years of County service and are eligible to immediately collect retirement benefits shall be paid for all accrued but unused sick leave hours at one hundred (100%) percent of their current regular straight time rate of pay. The beneficiary of employees who die shall be paid for all accrued but unused sick leave hours at one hundred (100%) percent of the deceased employee's final regular straight time rate of pay.
- E. Paid sick leave may be utilized during periods when an employee is receiving voluntary worker's compensation payments from the Employer, short term disability insurance or long term disability insurance to the extent necessary to maintain the employee's net take home pay based upon a forty (40) hour work week or the employee's normal work week, whichever is lesser. In the event that payments shall be found to be a wage continuation program under the Worker's Compensation laws of the State of Michigan, these payments shall stop.
- F. Banked Sick Leave. Effective August 1, 1999 for non-union employees and January 1, 2001 for union employees, further accumulation of sick time under the prior sick leave policy will not be permitted and the amount of days in excess of 20 were placed in a sick leave bank. The banked employee sick time payout value will be permitted to continue to increase as a result of wage increases. Any employee ceasing employment will be paid out for banked sick time according to prior County policy unless discharged for just cause. Employees are allowed to be paid out on all or a portion of their banked sick time on December 31 of each year. When employees choose to take early lump sum payouts from their accumulated sick bank, it is with the understanding that this payout amount will be deducted from their capped maximum amount of 900/960 hours that are available for payout upon retirement, and that at no time will these combination payouts ever exceed 900/960 hours.

### **Section 5.3. Non-duty Disability Leave**

A disability leave of absence will be granted to employees who have been absent for more than five (5) consecutive working days because of a non-work related injury, illness, pregnancy or other

disability, subject to the right of the County to require a physician's certificate establishing to the satisfaction of the County that the employee is incapacitated from the safe performance of work due to illness, injury, or other disability. A disability leave shall be with pay and benefits until such time as the employee has exhausted all accrued paid sick leave benefits and vacation and thereafter shall be without pay or benefits. This disability leave will continue for the period of the employee's disability; provided, however, that an employee may not be on a disability leave for a period of more than twelve (12) consecutive months. The County may request at any time, as a condition of continuance of a disability leave of absence, proof of a continuing disability. In situations where the employee's physical or mental condition raises a question as to the employee's capacity to perform the job, the County may require a medical examination by a physician chosen by the County at the County's expense and, if appropriate, shall require the employee to take a leave of absence under this Section. Employees who are anticipating a leave of absence under this Section may be required to present a physician's certificate recommending that the employee continue at work and in all cases the employee's attendance and job responsibilities must be satisfactorily maintained. Employees are required to notify the County of any condition which will require a leave of absence under this Section together with the anticipated date for commencement of such leave. This notice shall be given to the County by the employee as soon as the employee is first aware of the condition. All employees returning to work from a disability leave of absence must present a physician's certificate satisfactory to the County indicating the employee is physically or mentally able to return to work.

#### **Section 5.4. Military Training and Emergency Duty Leave**

Employees who are required to perform active duty for training or to perform emergency duty in any reserve component of the Armed Forces of the United States or the National Guard shall be granted a leave of absence without pay for the period of such training or emergency duty upon request and the presentation of proper documentation from the employee's Commanding Officer. The provisions of this Section do not apply to an employee's initial period of active duty for training.

#### **Section 5.5. Jury Duty Leave**

Employees summoned by a court to serve as jurors shall be given a jury leave of absence for the period of their jury duty. For each day, up to a maximum of twenty (20) days per year, that an eligible employee serves as juror when the employee otherwise would have worked the employee shall receive pay at their regular rate for their regularly scheduled hours on that day provided that the employee reimburses the County the jury pay the employee received from the court less amounts paid for travel and meal expenses. In order to be eligible to receive jury duty pay from the County, an employee must:

- A. Provide the County reasonable advanced notice of the time that the employee is required to report for jury duty;
- B. Provide satisfactory evidence that the employee served as a juror at the summons of the court on the day that the employee claims to be entitled to jury duty pay;
- C. Return to work promptly after being excused from jury duty service.
- D. Provide the County with substantiation regarding the amount of jury duty pay, travel expenses and meal expenses received from the court for the jury duty service.

#### **Section 5.6. Funeral Leave**

When death occurs in a full-time employee's immediate family, the employee, on request, will be excused for three (3) consecutive work days with pay, provided they attend the funeral. Immediate family is to mean: sons, daughters, spouse, mother, father, mother-in-law, father-in-law, brother or

sister, grandfather, grandmother, grandparents-in-law, grandchild, stepparent, stepchildren, daughter-in-law, son-in-law, or dependents within the household. An additional two (2) days will be given for the death of a spouse or child. One (1) day shall be allowed to attend the funeral of an employee's sister-in-law, brother-in-law, aunt, uncle, niece, and nephew or to serve as pallbearer.

### **Section 5.7. Workers compensation Leave**

Upon written application (the incident report), a leave of absence for a period of not more than twenty-four (24) months will be granted to employees who are unable to continue to work for the County because of a work related injury or disease for which the employee is entitled to receive benefits under the Worker's Compensation laws of the State of Michigan and is receiving voluntary payments from the County, subject to the County's right to require medical proof. Extension of the leave may be granted by the County, in its sole discretion, upon written application. The County may require at any time, as a condition of continuance of a worker's compensation leave of absence, proof of a continuing inability to perform work for the County. In the event that the County, in conjunction with its medical advisors, determines that the employee is capable of returning to work, the employee's leave of absence shall immediately end.

### **Section 5.8. FMLA Leave**

Employees who have been employed for at least 12 months are eligible for leaves of absence for family and medical reasons under the terms and conditions set forth below and as those terms and conditions are supplemented and explained by the Family and Medical Leave Act of 1993 (FMLA) and the regulations promulgated under that act, provided that they were employed for at least 1,250 hours of service during the 12 month period immediately preceding the commencement of the requested leave:

An eligible employee is entitled to a total of 12 workweeks of leave during a "rolling" 12-month period measured backward from the date an employee uses any leave for any one, or more, of the following reasons:

1. The birth of a son or daughter, and to care for the newborn child;
2. for the placement of a child with the employee for adoption or foster care and for bonding with the newly-placed child;
3. to care for the employee's spouse, son, daughter, or parent with a serious health condition; or
4. when the employee is unable to perform the essential functions of his or her job due to the employee's own serious health condition.

The FMLA also includes certain military family leave provisions:

**Military Caregiver Leave:** Entitles eligible employees who are the spouse, son, daughter, parent, or next of kin of a covered service member (current member or veteran of the National Guard, Reserves, or Regular Armed Forces) with a serious injury or illness incurred or aggravated in the line of duty to take up to 26 workweeks of FMLA leave during a single 12-month period to care for their family member.

**Qualifying Exigency Leave:** Entitles eligible employees to take up to 12 workweeks of FMLA leave in a 12-month period for a "qualifying exigency" related to the foreign deployment of the employee's spouse, son, daughter, or parent.

For purposes of leaves under subparagraphs 3 and 4 above, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves (a) **inpatient care** (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of



incapacity, or any subsequent treatment in connection with such inpatient care; or (b) **continuing treatment** by a health care provider. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems and periodontal disease are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

Continuing treatment includes (i) a period of incapacity of more than three consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves treatment two or more times by a health care provider or treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider; (ii) any period of incapacity due to pregnancy, or for prenatal care; (iii) any period of incapacity or treatment for such incapacity due to a chronic serious health condition; (iv) a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; and (v) any period of absence to receive multiple treatments by a health care provider for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment. A **period of incapacity** means an inability to work, attend school, or perform other regular daily activities due to the serious health condition or its treatment and recovery.

Employees desiring leaves of absence under this section shall provide written notice to the County setting forth the reasons for the requested leave, the anticipated start date of the leave, and its anticipated duration.

Employees on leaves of absence under this section shall be paid in accordance with the following:

1. In instances where the leave is needed due to the employee's own serious health condition, the leave shall be with pay as long as the employee has available accrued paid leave days. These paid leave days shall be applied in the following order:
  - a. Paid sick leave
  - b. Paid personal leave
  - c. Paid vacation
  
2. In instances where the leave is needed for reasons other than the employee's own serious health condition, the leave shall be with pay as long as the employee has available accrued paid leave days. These paid leave days shall be applied in the following order:
  - a. Paid sick leave (if authorized for this use by policy or contract)
  - b. Paid personal leave
  - c. Paid vacation

As a condition of the leave, employees must utilize available paid leave in the order set forth above and cannot elect to have unpaid leave in order to retain paid leave for use at other times. Upon the exhaustion of accrued paid leave days, the remainder of the leave shall be without pay.

While on leave, an employee's coverage under any group health plan shall be continued on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period.

# EMPLOYEE RIGHTS

## PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

### ▶ PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- $\frac{2}{3}$  for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at  $\frac{2}{3}$  for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

### ▶ ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.*

### ▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

- |   |   |
|---|---|
| 1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;              | 5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or |
| 2. has been advised by a health care provider to self-quarantine related to COVID-19;                       | 6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.                           |
| 3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;                                    |   |
| 4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); |   |

### ▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

For additional information  
or to file a complaint:

**1-866-487-9243**

TTY: 1-877-889-5627

[dol.gov/agencies/whd](https://dol.gov/agencies/whd)



WH1422 REV 03/20

J.

BOARD OF COMMISSIONERS  
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## 1. PURPOSE

These rules are adopted by the Board of Commissioners of Tuscola County pursuant to Section 46.11 of the Compiled Laws of Michigan, as amended.

## 2. MEETINGS

### 2.1 Organizational Meeting

The first meeting in each calendar year shall be the organizational meeting. At each such meeting, the County Clerk shall preside at the start of the meeting. The organizational meeting may be held in December of the current year provided all current commissioners remain unchanged for the next two year term. If there are any commissioner changes for the next two year term, then the organizational meeting shall be held within 72 hours after New Year's Day.

The first item of business shall be election of the Chairperson of the Board. There are two procedural steps related to electing the Chairperson that have to be decided prior to conducting the election:

The Board Chairperson shall be elected each odd numbered year for a 2-year term, unless the Board provides by resolution that the chairperson shall be elected annually to a 1-year term. The Board needs to make a decision on this term length. If no action is taken the Michigan law states the term shall be for 2-years.

The Board also needs to make a decision regarding the potential use of a secret ballot. State law provides that the vote of the Chairperson may be accomplished by way of a secret ballot. If the Board chooses to conduct the election of the Board Chairperson by secret ballot, a majority of the Board must first vote to do so.

Unless a secret ballot is chosen, the clerk shall call for nominations for the office of chairperson and when nominations are closed by majority vote or no other nominations are forthcoming, the clerk shall call for a vote. When one nominee receives a majority of the votes of the members elected and serving, the nominee shall be declared chairperson.

The next order of business is to proceed with the election to the office of Vice-chairperson, which shall be conducted by roll call vote.

There is no statutory provision for the election of the vice-chairperson by secret ballot or to have a 2-year term, therefore the vice-chairperson is elected for a 1-year term.

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**2.2 Regular Meetings**

At its first meeting in each calendar year, the Board of Commissioners shall establish its schedule including meeting times of regular meetings for the balance of the year.

**2.3 Special Meetings**

The Board of Commissioners shall meet in special session upon the call of the chairperson of the board. The chairperson may convene a meeting of the Board upon his/her discretion. Notice shall be given as provided in Rule 3.3.

**2.3.1** As an alternate means of calling a special meeting, upon the written petition filed with the county clerk and signed by one-third or more of the members. The petition for a special meeting shall specify the time, date, place, and purpose of the meeting.

**2.4 Emergency Meetings**

Emergency meetings of the Board of Commissioners may be held only with the approval of two-thirds of the members of the Board and only if delay would threaten severe and imminent danger to the health, safety, and welfare of the public. A meeting is defined as an emergency meeting only if it must be held before public notice as provided in Rule 3.3 can be given. Actions taken at an emergency meeting should be ratified at the next publicly noticed meeting.

**2.5 Place of Meetings**

Meetings of the Board of Commissioners shall be held in the chambers of the HM Purdy Building (125 W. Lincoln Street, Caro) unless public notice of the meeting states a different location. Whenever the regular meeting place of the Board shall appear inadequate for members of the public to attend, the chairperson may change the meeting location to a larger facility in the county. A notice of such change shall be prominently posted on the door of the regular meeting place.

**2.6 Time of Regular Meetings**

The time of regular meetings shall be stated in the regular schedule of meetings adopted under Rule 2.2. Matters on the agenda and not yet acted upon at the time of adjournment will be placed on the agenda of the next regular meeting or special meeting if one is called.

**2.6.1 Change in Schedule**

Change in the regular meeting schedule shall not be made except upon the approval of a majority of the members. In the event the Board shall meet and a quorum is not present, the Board, with the approval of those present, may adjourn the meeting to a later day and time provided that proper notice to members and the public is given.

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**3. PUBLIC NOTICE OF MEETINGS**

The county clerk shall provide the proper notice for all meetings of the Board. Such notice shall include, but not necessarily be limited to the following:

**3.1 Regular Meetings**

Posting a notice within 10 days after the first meeting of the Board in each calendar year indicating the date, time, and place of the Board's regularly scheduled and committee meetings.

**3.2 Schedule Change**

Whenever the Board shall change its regular Board schedule of meetings, a posting of notice of the change will be done by the clerk within three days following the meeting in which the change was made. Committee meeting changes from the original schedule will be posted by the Controller/Administrator's Office.

**3.3 Special and Emergency Meetings**

If the Board shall schedule a special meeting under Rule 2.3 or an emergency meeting under Rule 2.4, notice of such meeting shall be posted immediately by the clerk. No meeting, except emergency meetings, shall be held until the notice shall have been posted at least 18 hours. Commissioners will be notified by written or telephone communication of said meeting.

**4. QUORUM, ATTENDANCE, CALL OF THE COUNTY BOARD, COMPENSATION**

**4.1 Quorum**

A majority of commissioners of the Board, elected and serving, shall constitute a quorum for the transaction of ordinary business of the Board.

**4.2 Attendance**

No member of the County Board may absent himself or herself without first having notified the chairperson of his or her intent to be absent from a scheduled meeting.

**4.3 Compensation**

Commissioner compensation shall be reviewed at least once no later than July of election years to determine if compensation changes will be implemented for the Board of Commissioners taking office January 1<sup>st</sup> of odd numbered years.

**5. AGENDA FOR MEETINGS**

**5.1 Agenda Preparation Responsibility**

The Controller/Administrator, after first reviewing pending matters and requests, shall prepare a draft of the agenda of business for all regularly scheduled Board of Commissioners, committee, and other meetings. The chairperson of the Board or chairperson of the respective committee shall review and add or delete items, as he/she considers proper. Unanticipated agenda items that require discussion or decisions may

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be covered under the other business agenda reference. It is each individual's responsibility to attend the meeting to understand other business items that may be covered.

**5.2 Distribution of Regular Board of Commissioner Agenda and Materials**

Upon completion of the agenda for the regular Board meeting, the Controller-Administrator shall immediately distribute to Commissioners copies of the agenda together with copies of reports, etc. which shall relate to matters of business of the agenda.

Unless extenuating circumstances arise, a paper copy of the agenda and attachments will be sent enough in advance of the scheduled meeting date to allow commissioner review prior to the meeting. A paper copy of the complete agenda and attachments is made available in the Controller/Administrator's Office. An electronic copy of the agenda and attachments is also made available on the county web [www.tuscolacounty.org](http://www.tuscolacounty.org). The Controller/Administrator's office electronically notifies all department heads and other requesting parties when agendas are available on the website.

It is stressed that other agenda items may be added the day of the meeting. Also, certain items may be covered under the agenda heading "other business/on-going matters."

**5.3 Distribution of Committee Meeting Agendas**

Committee agendas (in draft form) will be made available electronically via the county website **and/or faxed** in advance of the scheduled meeting. The Controller/Administrator's Office also notifies all department heads and other requesting parties when the agenda is available on the website. It is stressed that other agenda items may be added the day of the meeting. Also, certain items may be covered under the agenda heading "other business/on-going matters." There may be extenuating circumstances where it is not possible to distribute the agenda in advance of the meeting.

**5.4 Consent Agenda**

The Board shall use a "Consent Agenda" according to the resolution and rules approved by the Board on January 25, 2000. The consent agenda motions will be prepared by the Controller/Administrator's Office.

**5.5 Order of Business**

The order of business at all Board meetings shall follow the following agenda, unless the Board approves modifications during the "Agenda" section of the meeting:

- a. Call to Order

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- b. Prayer
- c. Pledge of Alliance
- d. Roll Call
- e. Adoption of Agenda
- f. Action on Previous Meeting Minutes
- g. Brief Public Comments – **Agenda Items Only**
- h. Consent Agenda
- i. New Business
- j. Old Business
- k. Correspondence
- l. Committee and Liaison Reports
- m. ~~Closed Sessions (if necessary)~~ **Other Business as Necessary**
- n. Extended Public Comment
- o. Adjournment

## 6. CONDUCT OF MEETINGS

### 6.1 Chairperson

The person elected chairperson in the first meeting each year of the Board shall preside at all meetings of the Board. In the absence of the chairperson, the person elected vice-chairperson shall preside. If neither the chairperson nor the vice-chairperson is present, the clerk shall preside until the commissioners present elect a commissioner to preside during the absence of the chairperson or vice-chairperson.

### 6.2 Form of Address

Any person, including Board members, wishing to speak at a meeting shall first obtain the approval of the chairperson and each person who speaks shall address the chairperson, and not other members of the audience, other commissioners or staff in attendance.

### 6.3 Disorderly Conduct

The chairperson shall call to order any person who is being disorderly by speaking or otherwise disrupting the proceedings, by failing to be germane, by speaking longer than the allotted time, by speaking vulgarities, or by violating Board rules. Such person shall there upon be seated until the chairperson shall have determined whether the person is in order. If a person so engaged in presentation shall be ruled out of order, he or she shall not be permitted to speak further at the same meeting except upon special leave by the Board of Commissioners. If the person shall continue to be disorderly and to disrupt the meeting, the chairperson may order the person to leave the meeting. Since the purpose of the meeting is to discuss public business and not address individual personalities, "personal attacks" on government officials are prohibited and shall be considered "out of order".

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**6.4 Brief and Extended Public Comment Period**

A brief public comment period will be provided early on the Board agenda for agenda items only. Comments during this period will be limited to 3 minutes in order to leave time for the Board to conduct other items on the agenda unless this time is waived by the Chairperson.

Another public comment period will be provided later on the agenda with the length of public comment extended. The length of comment during this period will be at the discretion of the Chairperson.

**6.5 Procedures to Address the Board**

Any person who addresses the Board shall state their name and their township of residence for the record. When there are many people who desire to address the Board, the Chairperson may implement other reasonable rules for public participation, including but not limited to requiring the completion of a written request to speak at the meeting.

**7.0 RECORD OF MEETINGS**

**7.1 Minutes and Official Records**

The county clerk shall be clerk of the Board and shall be responsible for maintaining the official record and minutes of each meeting of the Board. The minutes shall include all the actions and decisions of the Board. The minutes shall include the names of the mover and seconder and the vote of the commissioners. The record shall also state whether the vote was by voice or by roll call; when by roll call, the record shall show how each member voted. The clerk shall maintain, in the office of the clerk, copies of each resolution and ordinance or other matter acted upon by the Board. The official minutes, however, may refer to those matters by an identifying number and the descriptive title of the ordinance, resolution/motion, or other matter.

**7.2 Record of Discussion**

The clerk shall not be responsible for maintaining a written record or summary of the discussion or comments of the Board members nor of the comments made by the members of the public.

**7.3 Request for Remarks to Be Included**

Any Commissioner may have his or her comments printed as part of the record upon the concurrence of a majority of the other members. Comments to be included in the record shall be provided in writing by the member.

**7.4 Public Access to Meeting Records**



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The clerk shall make available to members of the public the records and minutes of the Board meetings in accordance with the Freedom of Information Act. Draft board minutes, prepared but not approved by the Board, shall be available for public inspection not more than eight business days following the meeting. Minutes approved by the Board shall be available within five business days of the meeting at which they were approved. The Board shall also promptly mail copies of minutes to persons who have subscribed and paid the fee therefore as determined by the Board, consistent with any requirements of the Freedom of Information Act.

**7.5 Board Stationery**

County Board stationery cannot be used for personal commissioner use unless approved by the Full Board of Commissioners.

**8.0 COMMITTEES**

**8.1 Committee of the Whole**

All commissioners shall serve on a Committee of the Whole which will be advisory only but responsible for making recommendations to the Board but not decisions for the Board. The Committee of the Whole may have topic leaders whereby a commissioner is assigned to lead topics areas such as finance, personnel, building and grounds, etc. The County Clerk shall keep minutes of these meetings. The consent agenda motions will be prepared by the Controller/Administrator's Office.

**8.2 Statutory Finance Committee**

A Statutory Finance Committee (consisting of all five commissioners) will be responsible for review and approval of all claims and per diems. In the event that the Statutory Finance Committee meets in a continuous meeting setting with the Full Board or a Committee of the Whole meeting, the Statutory Finance Committee meeting shall be separately called, opened and adjourned, and separate minutes shall be kept. The County Clerk must keep the minutes of this meeting. The County Clerk will maintain minutes of all Statutory Finance Committee meetings and shall make them available to necessary parties and they shall be included with each Board packet.

**8.3 Grievance Committee**

Two commissioners will be appointed and serve on the union contract grievance committee **as needed**.

**8.4 Commissioner Appointments**

The Board chairperson shall appoint commissioners to various boards and commissions and in certain cases as a liaison to boards and commissions.

**9.0 CLOSED MEETINGS**

**9.1** The vote to hold a closed meeting shall be recorded in the minutes of the

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meeting at which the decision was made.

9.2 The Board of Commissioners may meet in closed session, closed to members of the public, upon the motion of any member and roll call approval by two-thirds of the members for the following purposes:

- 9.2.1 To consider the purchase or lease of real property, until an option to purchase or release that property is obtained.
- 9.2.2 To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the county Board.
- 9.2.3 To consider a County attorney's written opinion.
- 9.2.4 To review the specific contents of an application for employment to a county position and the applicant requests that the application remains confidential. Whenever the Board meets to interview an applicant, the meeting shall be open to the public.
- 9.2.5 Other Reasons

The Board may also meet in closed session for the following reasons without the requirement of a two-thirds vote:

- 9.2.5.1 To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of a public officer, employee, staff member, or individual agent if the named person requests a closed hearing. If the person rescinds his/her request for a closed hearing the matter at issue shall thereafter be considered only in open public meeting.
- 9.2.5.2 To consider strategy connected with the negotiation of a collective bargaining agreement.
- 9.2.5.3 To consider any other matter authorized as a topic of a closed meeting by the Open Meetings Act, upon the proper vote specified therein.

### 9.3 Minutes, Closed Meetings

Generally, the County Clerk shall prepare the minutes for closed meetings. If the Board Chair determines that it would be inappropriate for the Clerk to attend the closed meeting, he shall designate another party to take the minutes. The County's attorney may review the draft minutes of the Closed Meeting. The minutes are to be sealed and kept in the County Clerk's office. Such minutes **may but** do not have to be approved by

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the Board. The minutes shall not be disclosed to the public except upon the order of a court. ~~With the approval of the Board Chair, the Clerk may destroy the minutes after one year and one day have passed after the meeting at which the Board approved the minutes of the meeting at which the Board voted to hold the closed meeting.~~ **Closed session minutes are not to be destroyed unless ordered by the Court.**

## 10. MOTIONS AND RESOLUTIONS

### 10.1 Statement by Chairperson, Motions, and Resolutions

No motions or resolution shall be adopted until the presiding officer states the motion. All motions, except procedural motions and resolutions, may be required to be in writing upon the demand of any member. A request to recess for the purpose of writing out a motion or resolution shall be in order.

### 10.2 Rank of Motions

- a. Privileged Motions
- b. Fix the time to which to adjourn (to set the time for next meeting)
- c. Adjourn
- d. Recess
- e. Raise a question of privilege
- f. Call for orders of the day

### 10.3 Subsidiary Motions

- a. Lay on the table
- b. Call the previous question (immediately to close debate and making of subsidiary motions except lay on the table)
- c. Limit or extend the limits of debate
- d. Postpone to a certain time (postpone definitely)
- e. Refer to a committee
- f. Amend the main motion
- g. Postpone indefinitely
- h. Clear the floor of all motions

#### 10.3.1 Main Motion

#### 10.3.2 Non-debatable Motions

The motions to fix the time of the next meeting, adjourn, recess, point of privilege, call for orders of the day, to table, vote immediately, limit or extend debate shall be ordered and voted upon without debate.

### 10.4 Procedural Motions

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**10.4.1 Motion to Reconsider**

The motion to reconsider shall be in order on any question that the Board has decided, but no question shall be reconsidered more than once. The motion to reconsider shall be in order on the same day as the vote to be reconsidered was taken, or at the following meeting. The motion to reconsider shall be made only by a member who voted with the prevailing side. A motion to reconsider a motion to amend shall not be in order if the main question has been voted upon. If the Board has adopted a motion to reconsider, however, motions to amend shall be in order.

**10.4.2 Motion to Clear the Floor**

The motion to clear the floor may be made by the chairperson or a member, whenever procedural matters have become sufficiently confused. If the motion to clear the floor has been adopted, it shall clear the floor of all motions as though they have been withdrawn. The motion shall not be subject to debate nor, if adopted, to reconsideration.

**10.4.3 Temporary Suspension of the Rules**

These rules may be suspended temporarily at any time by vote of two-thirds of the members elected and serving to achieve any legal objective of the Board in a legal manner.

**10.4.4 Appeal Rulings of the Chairperson**

Any Commissioner may appeal the ruling of the chairperson. On all appeals receiving a second, the question shall be "Shall the decision of the Chairperson stand as the decision of the County Board of Commissioners?"

**11. VOTING**

**11.1 Abstaining from Voting –**

Whenever the Chair puts a question to the members, every commissioner present shall vote on the question. No member present shall abstain from voting "yes" or "no". In the event that a member refuses to declare a "yes" or "no", the Chair shall direct the Clerk to record the vote as a "no" vote.

**NEED TO CLARIFY HOW TO HANDLE THIS IN REGARDS TO 11.1**  
***BOC CAN ONLY OPT NOT TO PARTICIPATE IN A BOC VOTE IF THERE IS A LEGITIMATE BASIS UNDER STATE LAW TO DO SO. GENERALLY THESE SITUATIONS INVOLVE A FINANCIAL CONFLICT OF INTEREST. SUGGESTED TO SEEK LEGAL COUNSEL TO DETERMINE THE SCOPE OR CONSIDER ADOPTING A FORMAL CONFLICT OF INTEREST RULE OR POLICY APPLICABLE TO THE BOC.***

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**11.2 Roll Call Votes**

The names and votes of commissioners shall be recorded on Board actions to adopt final measures such as ordinances, resolutions, appointment or election of officers, etc. The election of the Board chairperson may be by secret ballot with the approval of a majority of commissioners present. Upon the demand of one fifth of the commissioners, a roll call vote shall be taken on other motions and actions.

**11.3 Voting Via Voice**

When in the judgment of the chairperson, the Board of Commissioners will cast a unanimous vote on the question on the floor, the Chairperson may put the questions to the members by stating: "Without objection, the chair will direct the clerk to enter a unanimous affirmative (or negative) vote on the question. Is there objection? Hearing none, the clerk is directed to enter a unanimous affirmative (or negative) vote on the question." At this point, the clerk shall enter an affirmative (or negative) vote for each of the members present.

If any member objects, he or she should do so aloud. Whereupon, the chairperson shall direct the clerk to call the roll.

**11.4 Votes Required**

Procedural and other questions arising at a meeting of the Commissioners, except for those decisions required by statute to have a higher majority, shall be decided by a majority of the members present. A majority of the members elected and serving shall be required for final passage or adoption of a measure, resolution, or the allowance of a claim.

**12. PARLIAMENTARY AUTHORITY**

Robert's Rules of Order (Newly Revised) shall govern all questions of procedure not otherwise provided by these rules or by state or federal law. The legal counsel to the Board or other person so designated by the Board shall serve as the Board's parliamentarian and shall advise the presiding officer regarding rules of procedure.

**13. INTRODUCTION AND ADOPTION OF ADMINISTRATIVE RESOLUTIONS**

**13.1 Definition**

Any action regarding the operation or administration of a department of the county government or containing policies of the Board of Commissioners applicable to one or more departments of the county, and not adopted as an ordinance, shall be declared administrative policy.

**13.2 Introduction**

Any commissioner may introduce an administrative resolution at any regular or special meeting of the Board of Commissioners in the regular order of business.

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**13.3 Order for Consideration**

The regular order for consideration of proposed administrative resolutions shall be:

**13.3.1 Introduction**, first reading by title, and reference to the appropriate committee, as determined by the Board chairperson.

**13.3.2 Report** by the committee considering the proposal and placement on the agenda under new business – adoption of resolutions.

**13.3.3 Full Board discussion and vote.** Each member shall be given opportunity to discuss the resolution and offer such amendments as she or he shall consider appropriate. Amendments shall be made in the following forms:

“I move to amend by striking the following (sections or words).”

“I move to amend by striking the following (sections and words) and inserting the following (sections or words).”

“I move to amend by inserting the following (lines or words) after (describe the location).”

“I move to amend by adding the following (lines or words) after (describe the location).”

Before calling for a vote on the proposed amendment, the chairperson shall direct the clerk to read the proposed amendment and to state how the section or sentence will read if the amendment is approved. Thereafter, the chairperson shall call the question on the amendment.

**13.3.4 Form**

Each administrative resolution shall conform to the form required for introduction and adoption.

**13.5 Committee Review**

The chairperson of the Board shall refer all proposed administrative resolutions to an appropriate committee of the Board. The committee shall review the proposal and invite affected departments of the county to comment and offer explanations. The committee, in its report, shall include a summary of the comments and objections to the resolution. Any administrative resolution reported without recommendation shall automatically lie on the table until ordered removed by the Board.

**13.6 Adoption**

The Board of Commissioners may adopt the committee recommendation or refer the report to a standing committee where further consideration can be given. On the final adoption of a proposed amendment, the vote shall be taken by a record roll call or in accordance with Rule 11.3. A majority of the commissioners elected and serving shall be required for adoption, unless a statute requires a larger number of votes to adopt the policy.

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**13.7 Notification**

Upon the final adoption of an administrative resolution, the Board secretary shall notify each county department head of the Board action. Such notification shall be by title or summary. The Board secretary shall make available a copy of the full administrative resolution.

**13.8 Record of Administrative Resolutions**

The clerk shall keep a copy of each administrative resolution of the Board in a separate file or book with appropriate subcategories according to subjects covered. The record of each administrative resolution shall provide the date of adoption, the record vote of each commissioner, and any amendments thereto adopted by the Board.

**14. INTERPRETATION & OPERATION**

**14.1 Intent Controls**

These Rules shall be interpreted in a manner to effectuate their intent, and as a general rule, form should not be elevated over substance.

**14.2 Coordination**

Wherever possible, these Rules should be interpreted in a manner consistent with state law and County ordinance.

**14.3 Severance**

If any Rule herein is determined to be unlawful, it shall be struck and the remaining Rules shall continue in full force and effect.

**14.4 Ratification**

In the event that a Board action shall be declared invalid because of a failure to follow these Rules, the Board shall have the right to ratify the action and to make such ratification nunc pro tunc (effective as of the original date of the defective action).

**14.5 Amendment**

The Board may amend these Rules at any time upon a majority vote of the members serving.