

# Allegan County Board of Commissioners



County Services Building  
3283 – 122<sup>nd</sup> Avenue  
Allegan, MI 49010  
269-673-0203 Main Office  
269-686-5331 Main Fax  
<http://www.allegancounty.org>

*Jim Storey, Chairperson  
Dean Kapenga, Vice Chairperson*

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## **BOARD OF COMMISSIONERS MEETING – AGENDA**

Thursday, July 27, 2023 – 1 PM

County Services Building – Board Room  
Virtual Connectivity Options Attached

### **DISTRICT 1**

Jim Storey  
616-848-9767  
jstorey@  
allegancounty.org

1 PM

### **CALL TO ORDER:**

### **ROLL CALL:**

**OPENING PRAYER:** Commissioner Mark DeYoung

### **PLEDGE OF ALLEGIANCE:**

### **PUBLIC HEARING:**

**COMMUNICATIONS:** Attached

**APPROVAL OF MINUTES:** July 13, 2023

### **PUBLIC PARTICIPATION:**

### **ADDITIONAL AGENDA ITEMS:**

### **APPROVAL OF AGENDA:**

### **PRESENTATIONS:**

- Employee Recognition—Detective Phillip Arnsman
- 2022 Audit—Gabridge & Company

### **PROCLAMATIONS:**

### **INFORMATIONAL SESSION:**

Chad Catalino, Chief Public Defender—Office of Public Defender

### **ADMINISTRATIVE REPORTS:**

### **DISTRICT 2**

Mark DeYoung  
616-318-9612  
mdeyoung@  
allegancounty.org

### **DISTRICT 3**

Dean Kapenga  
616-218-2599  
dkapenga@  
allegancounty.org

### **DISTRICT 4**

Scott Beltman  
616-292-1414  
sbeltman@  
allegancounty.org

### **CONSENT ITEMS:**

1. Motion to approve of claims paid and to incorporate into proceedings of the Board (7/21/23 & 7/28/23)

### **DISTRICT 5**

Gale Dugan  
269-694-5276  
gdugan@  
allegancounty.org

### **ACTION ITEMS:**

1. Board of Commissioners—appoint Conservation District Board Liaison (Commissioner Storey)

### **DISCUSSION ITEMS:**

1. Transportation—adopt Transportation Title VI Plan (228-405)

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#### **Mission Statement**

“The Allegan County Board of Commissioners shall plan, develop, and evaluate the necessary policies and resources to ensure our county continues to progress and prosper”

**NOTICE OF APPOINTMENTS & ELECTIONS: None  
ELECTIONS:**

1. Economic Development
  - a. Private Sector Representative—term expires 12/31/24
2. Community Mental Health Board
  - a. One Primary Consumer Representative—term expires 3/31/26 [Application REC 5/9/23](#)

**APPOINTMENTS:**

1. 911 Policy & Procedure Board
  - a. Private Citizen—term expires 7/31/23 [Application REC 7/7/23](#)
  - b. City/Village Government Representative—term expires 7/31/23
  - c. Emergency Services Representative—term expires 7/31/23 [Application REC 7/21/23](#)
  - d. City/Village Police Chief—term expires 7/31/23 [Application REC 7/7/23](#)
2. Jury Board (Circuit Judge recommends)
  - a. One Representative—term expires 3/31/25
3. Brownfield Redevelopment Authority
  - a. One Representative—term expires 12/31/2021 [Application REC 5/9/23](#)
4. Local Emergency Planning Committee
  - a. One Media Representative—term expired 12/31/22
5. Tourist Council
  - a. One Representative—term expires 12/31/23
6. Solid Waste Planning Committee
  - a. One Solid Waste Industry Representative—term expired 12/31/20
  - b. One Solid Waste Industry Representative—term expired 12/31/19
  - c. One Township Representative—term expired 12/31/19
  - d. One General Public Representative—term expired 12/31/22
  - e. One Industrial Waste Generator Representative—term expired 12/31/20
  - f. One Regional Solid Waste Planning Rep—term expired 12/31/2022

**PUBLIC PARTICIPATION:**

**FUTURE AGENDA ITEMS:**

1. OPENING PRAYER: Commissioner Gale Dugan
2. INFORMATIONAL SESSION: Kimberly Turcott, Director—Medical Care Community
3. CONSENT: Motion to approve of claims paid and to incorporate into proceedings of the Board (8/4/23 & 8/11/23)

**REQUEST FOR MILEAGE:**

**BOARDS AND COMMISSIONS REPORTS:**

**ROUND TABLE:**

**CLOSED SESSION:**

**ADJOURNMENT:** Next Meeting – August 10, 2023, 1 PM @ **BOARD ROOM – COUNTY SERVICES BUILDING, COUNTY SERVICES COMPLEX.**

*Please note that Regular and Special Meetings of the Board of Commissioners held in the Board Room are streamed live and recorded in accordance with the County's Live Stream & Publishing Recordings of Meetings Policy, which can be viewed on the County's website.*

*Your attendance constitutes your consent to audio/visual streaming and/or recording and to permit the County to broadcast your name/voice/image/content to a broader audience.*



# Allegan County Board of Commissioners

# STEP 1: Connect to the Meeting

- OPTION 1: Zoom over Telephone

- Call (929) 205-6099 -or- (312) 626-6799 -or- (253) 215-8782
- Type in Meeting ID: 891 6032 7098, then #, then # again
- Type in Meeting Password: 72723, then #

- To raise your hand to speak, press \*9
- To Mute and Unmute, press \*6

<STOP here>

You do not have to continue reading the rest of the instructions.

- OPTION 2: Youtube

- Open Internet Explorer or Chrome
- Navigate to <https://www.youtube.com/channel/UCQIiZQstN2Pa57QAItAWdKA>
- Click on image of “Live” video

<STOP here>

You do not have to continue reading the rest of the instructions.

- OPTION 3: Zoom over Web browser

- Open Internet Explorer or Chrome
- Navigate to <https://zoom.us/j/89160327098>
- Meeting Password: 72723

<Continue with the rest of the instructions>

# STEP 2: Enter registration information

Webinar Registration - Zoom

zoom.us/webinar/register/WN\_YneHxuk\_SjqfnMwchbtUEg

## Webinar Registration

Topic: BOC Meeting - 4/9/2020

Time: Apr 9, 2020 01:00 PM in Eastern Time (US and Canada)


\* Required information

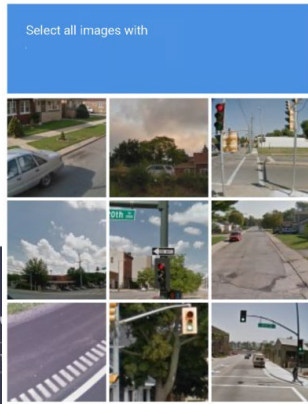
First Name \*

Last Name \*

Email Address \*

Confirm Email Address \*

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Account  
Support Center  
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Feedback  
Contact Us  
Accessibility

1. Enter name and email

2. Click this box

3. Answer challenge question

4. Click when done.

STEP 3: This Window will appear when connected.



# STEP 4: Adjust audio settings (if needed)

The image shows a Zoom meeting interface with the 'Settings' window open to the 'Audio' tab. A blue arrow labeled '1' points to the 'Audio' menu item in the left sidebar. A second blue arrow labeled '2' points to the 'Remote Audio' option in the 'Select a Speaker' dropdown menu. The 'Settings' window shows the 'Speaker' set to 'Remote Audio' and the 'Microphone' set to 'Test Mic'. Both have volume sliders and the 'Automatically adjust volume' checkbox is checked. Other options include 'Use separate audio device to play ringtone simultaneously', 'Automatically join audio by computer when joining a meeting', 'Mute my microphone when joining a meeting', 'Press and hold SPACE key to temporarily unmute yourself', and 'Sync buttons on headset'. An 'Advanced' button is at the bottom right of the settings window.

**Select a Speaker**

- ✓ Remote Audio
- Same as System
- Test Speaker & Microphone...
- Leave Computer Audio
- Audio Settings...

**Settings**

**Speaker** Test Speaker Remote Audio

Output Level: \_\_\_\_\_

Volume: ◀────────────────────────────────▶ (speaker icon)

**Microphone** Test Mic \_\_\_\_\_

Input Level: \_\_\_\_\_

Volume: ◀────────────────────────────────▶ (speaker icon)

Automatically adjust volume

Use separate audio device to play ringtone simultaneously

Automatically join audio by computer when joining a meeting

Mute my microphone when joining a meeting

Press and hold SPACE key to temporarily unmute yourself

Sync buttons on headset

Advanced

**Economic Development — Greg King, Director**  
**ADMINISTRATIVE REPORTS:**

**DISTRICT 4**  
Mark DeYoung  
818-318-9612  
mdeyoung@allegancounty.org

**CONSENT ITEMS:**

1. Motion to approve of claims paid and to incorporate into proceedings of the Board (3/20/20 & 3/27/20)

Audio Settings ^

Chat Raise Hand Q&A

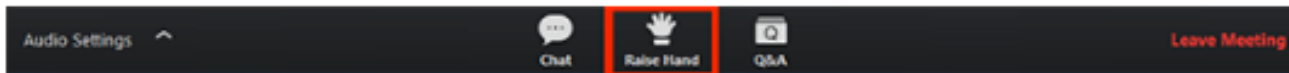


# STEP 5: Raise hand to be recognized to speak.

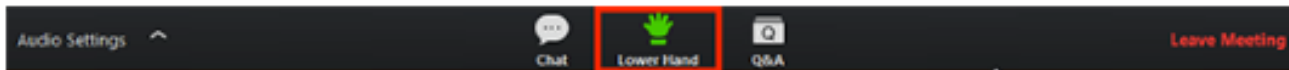
- Once “Raise Hand” is clicked, the Board Chairperson will receive notice and may UNMUTE your microphone when ready and verbally recognize you to speak.

On bottom of screen.

1. Click **Raise Hand** in the Webinar Controls.



2. The host will be notified that you've raised your hand.
3. Click **Lower Hand** to lower it if needed.



# STEP 6: To leave the meeting

The screenshot shows a Zoom meeting interface. At the top, a green banner reads "You are viewing Allegan County Administration's screen" with a "View Options" dropdown. In the top right corner, there is a "Enter Full Screen" button. The main content is a document viewer displaying a Microsoft Word document titled "BOC20200409\_agenda [Compatibility Mode] - Word". The document header includes the "Allegan County Board of Commissioners" logo and contact information for County Services Building, including address, phone, fax, and website. Below the header, the document title is "BOARD OF COMMISSIONERS MEETING – AGENDA". The agenda items are listed by district: DISTRICT 1 (Dean Kasperge), DISTRICT 2 (Jim Storey), DISTRICT 3 (Max R. Thiele), and DISTRICT 4 (Matt DeYoung). The agenda items include "Virtual Meeting – Connectivity Instructions Attached", "1PM CALL TO ORDER:", "ROLL CALL:", "OPENING PRAYER:", "PLEDGE OF ALLEGIANCE:", "COMMUNICATIONS: Attached", "APPROVAL OF MINUTES: Attached", "PUBLIC PARTICIPATION:", "ADDITIONAL AGENDA ITEMS:", "APPROVAL OF AGENDA:", "PRESENTATIONS:", "PROCLAMATIONS:", "INFORMATIONAL SESSION: Attached", and "ADMINISTRATIVE REPORTS:". At the bottom of the document viewer, it shows "PAGE 1 OF 2" and "251 WORDS". Below the document viewer is a Zoom meeting control bar with icons for "Audio Settings", "Chat", "Raise Hand", and "Q&A". A red "Leave Meeting" button is located in the bottom right corner of the control bar, with a large blue arrow pointing to it.

# Ontonagon County Board of Commissioners

Courthouse, 725 Greenland Road

Ontonagon, MI 49953

Telephone (906) 884-4255

Fax (906) 884-6796

**Chairperson:** Carl Nykanen  
**Vice Chairperson:** John Cane

**Commissioners:** Richard Bourdeau  
Robert Nousiainen  
Ron Store

## Resolution 2023-11 State of Michigan Sanitary Code Resolution

Whereas, there are currently pending in the Michigan Legislature certain bills, SB 299, SB300, HB 4479 & HB 4480, which would impose statewide regulations for the implementation of and maintenance of septic systems; and

Whereas, these bills as presently drafted, would require inspection of all systems every five years and would impose much greater expenses and work hours on local public health departments; and

Whereas, the bills would dramatically increase the requirements for septic inspectors and make it much more difficult to find, hire & retain qualified personnel; and

Whereas, the current legislation does not provide a permanent, secure funding mechanism to cover these increased costs, which will invariably be shifted to our local health departments, and

Whereas, the Ontonagon County Board of Commissioners recognizes the critical importance of protecting the Michigan's water resources, including groundwater, lakes & streams, and other surface waters, but concludes that the bills do not provide a sustainable or financially feasible solution in areas that do not have the benefit of municipal sanitary systems; and

Whereas, soil types vary considerably throughout Michigan making it difficult to establish generalized "one size fits all" rules for septic systems.

Therefore, Be It Resolved, that the Ontonagon County Board of Commissioners opposes SB299, SB300, HB 4479 and HB4480 as introduced and urges the Michigan Legislature to consider the costs to local health departments before adopting changes to the septic provisions of the Michigan Public Health Code.

Therefore, Be it Further Resolved, that this resolution shall be forwarded to all Michigan counties, Michigan Assn of Counties, members of the Michigan Legislature and to other stakeholders.

  
\_\_\_\_\_  
Carl Nykanen, Chair  
Ontonagon County Board of Commissioners

7/18/2023  
\_\_\_\_\_  
Date

## ALLEGAN COUNTY BOARD OF COMMISSIONERS

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JULY 13, 2023 SESSION

JOURNAL 71

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**JULY 13, 2023 SESSION - PLEDGE OF ALLEGIANCE, ROLL CALL**

1/ The Board of Commissioners of the County of Allegan, State of Michigan, met in the Board Room of the County Services Building in the Township of Allegan on July 13, 2023 at 9:00 A.M. in accordance with the motion for adjournment of June 22, 2023, and rules of this board; Chairman Storey presiding.

The Deputy Clerk led the Board in the Pledge of Allegiance to the flag.

Upon roll call the following members answered as Commissioners for the respective Districts:

DIST #1 JIM STOREY  
DIST #2 MARK DEYOUNG  
DIST #3 DEAN KAPENGA  
DIST #4 SCOTT BELTMAN  
DIST #5 GALE DUGAN

**PUBLIC PARTICIPATION - NO COMMENTS**

2/ Chairman Storey opened the meeting to public participation and as there were no comments from the public, he closed the meeting to public participation.

**AGENDA - ADOPTED AS PRESENTED**

3/ Moved by Commissioner DeYoung, seconded by Commissioner Beltman to adopt the meeting agenda as presented. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

**MEDICAL EXAMINER ANNUAL REPORT**

4/ Medical Examiner Dr. Joyce DeJong presented her annual report to the board.

**LEGISLATIVE UPDATE - MIDWEST STRATEGY**

5/ Adam Wright of Midwest Strategy updated the board on legislative updates in Lansing. Highlights included: repealed right to work, firearm and red flag laws, repealed pension tax, earned income tax credit, revenue sharing trust fund, aggregate mining, Senate Bills 129-132, implementation of Proposal 2, prevailing wage, completion of the budget and indigent defense.

**BREAK - 10:01 A.M.**

6/ Upon reconvening at 10:11 A.M., the following Commissioners were present: Commissioner Storey, DeYoung, Kapenga, Beltman and Dugan. Absent: None.

**2023/27 BOARD STRATEGIC PLAN UPDATE - CALKINS DAM**

7/ Administrator Sarro updated the board on decommission of the Calkins Dam. Discussion followed.

Moved by Commissioner Dugan, seconded by Commissioner Beltman to have Administration draft a resolution encouraging the Public Service Commission to hold a public meeting with stakeholders of the Consumers Energy Calkins Dam relicensing vs decommission matter. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

**2024/28 BUDGET UPDATE - PERSONNEL REQUESTS**

8/ Administrator Sarro reviewed the personnel requests for the 2024/28 budget. Discussion followed.

**ADMINISTRATIVE UPDATE**

9/ Administrator Sarro noted that there is a need to purchase body cameras for the Sheriff Department and that a resolution has been drafted for review and approval.

Moved by Commissioner Kapenga, seconded by Commissioner Beltman to add the purchase of additional body cameras as an action item on the afternoon agenda. Motion carried by roll vote. Yeas: 5 votes. Nays: 0 votes.

**PUBLIC PARTICIPATION - NO COMMENTS**

10/ Chairman Storey opened the meeting to public participation and as there were no comments from the public, he closed the meeting to public participation.

**ADJOURNMENT UNTIL JULY 27, 2023 AT 9:00 A.M.**

11/ Moved by Commissioner Dugan, seconded by Commissioner Beltman to adjourn until July 27, 2023 at 9:00 A.M. The motion carried by voice vote and the meeting was adjourned at 11:54 A.M. Yeas: 5 votes. Nays: 0 votes.

**AFTERNOON SESSION****JULY 13, 2023 SESSION - INVOCATION, PLEDGE OF ALLEGIANCE, ROLL CALL**

12/ The Board of Commissioners of the County of Allegan, State of Michigan, met in the Board Room of the County Services Building in the Township of Allegan on July 13, 2023 at 1:02 P.M. in accordance with the motion for adjournment of June 22, 2023, and rules of this Board; Chairman Storey presiding.

The invocation was offered by District #1 Commissioner Storey.

The Deputy County Clerk led the Board in the Pledge of Allegiance to the flag.

Upon roll call the following members answered as Commissioners for the respective Districts:

DIST #1 JIM STOREY  
 DIST #2 MARK DEYOUNG  
 DIST #3 DEAN KAPENGA  
 DIST #4 SCOTT BELTMAN  
 DIST #5 GALE DUGAN

**COMMUNICATIONS**

13/ Deputy Clerk Tien noted to the board that they received the following communications:

1. St. Joseph County resolution on the 2<sup>nd</sup> Amendment
2. Alger County resolutions: 2<sup>nd</sup> Amendment and to adequately fund mental health services; support of the "Revised School Code" HB4284; opposition to legislation preempting local control HB4526-4528
3. Delta County resolution reaffirming Delta County being a 2<sup>nd</sup> Amendment sanctuary county; and opposing proposed changes to the statewide septic code
4. Mackinac County resolution opposing legislative proposal on establishing a statewide septic code

**JUNE 22, 2023 SESSION MINUTES - ADOPTED**

14/ Moved by Commissioner Dugan, seconded by Commissioner Kapenga to approve the minutes for the June 22, 2023 session as distributed. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

**PUBLIC PARTICIPATION - COMMENTS**

15/ Chairman Storey opened the meeting to public participation and the following individual offered comment:

1. John Spencer introduced himself to the board. He is the District Manager for State Representative Matt Hall.

**AGENDA - ADDITIONS**

16/ Chairman Storey asked if there were any additions or changes to the agenda. Chairman Storey noted that during the morning session the board added action item #2 for the Sheriff Departments purchase of body cameras.

**AGENDA - ADOPTED AS AMENDED**

17/ Moved by Commissioner Beltman, seconded by Commissioner DeYoung to adopt the meeting agenda as amended. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

**PRESENTATIONS - RETIREMENT RECOGNITION**

18/ Administrator Sarro and Chairman Storey presented the retirement recognition certificate to Sherry Owen for her 13 years of service to Allegan County.

**INFORMATIONAL SESSION - ONPOINT**

19/ Executive Director Mark Witte presented the annual report for OnPoint.

**ADMINISTRATIVE REPORTS**

20/ Administrator Sarro noted his written report was submitted to Commissioners. Highlights included: courthouse 800Mhz radio system coverage amplification; ARPA funds update; MIDC compliance planning; and county surveyor stipend.



**AMEND MEETING AGENDA**

**21/** Moved by Commissioner Beltman, seconded by Commissioner Dugan to amend the meeting agenda and add action item #3 - approve resolution to meet with the Michigan Public Service Commission (MPSC) to discuss river hydroelectric power. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

**FINANCE COMMITTEE - CLAIMS & INTERFUND TRANSFERS**

**22/ WHEREAS,** Administration has compiled the following claims for June 30, 2023; July 7, 2023; and July 14, 2023; and

**WHEREAS,** the following claims, which are chargeable against the County, were audited in accordance with Section 46.61 to 46.63, inclusive, M.C.L. 1970 as amended and resolutions of the Board; and

**WHEREAS,** said claims are listed in the 2023 Claims folder of the Commissioners' Record of Claims.

**June 20, 2023**

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 101	133,617.42	133,617.42	
Parks/Recreation Fund – 208	3,742.59	3,742.59	
Friend of the Court – Cooperative Reimb. – 215	3,475.89	3,475.89	
Health Department Fund – 221	12,567.43	12,567.43	
Solid Waste/Recycling – 226	9,839.49	9,839.49	
Brownfield Redevelopment Auth – 243	165.00	165.00	
Register of Deeds Automation Fund – 256	128.74	128.74	
Indigent Defense Fund – 260	50,484.30	50,484.30	
Central Dispatch Fund – 261	115,104.48	115,104.48	
Concealed Pistol Licensing Fund – 263	13.75	13.75	
Grants – 279	24,684.90	24,684.90	
Transportation Fund – 288	683.31	683.31	
Child Care Fund – 292	23,195.73	23,195.73	
Veterans Relief Fund – 293	70.87	70.87	
Senior Services Fund – 298	20,509.46	20,509.46	
American Rescue Plan Act – ARPA – 299	10,000.00	10,000.00	
Capital Improvement Fund – 401	119,584.55	119,584.55	
Property Tax Adjustments – 516	5,962.97	5,962.97	
Tax Reversion 2018 – 629	1,925.50	1,925.50	
Revolving Drain Maintenance Fund – 639	36.01	36.01	
Fleet Management/Motor Pool – 661	92.58	92.58	
Self-Insurance Fund – 677	918.54	918.54	
Drain Fund – 801	31,592.50	31,592.50	
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>\$568,396.01</b>	<b>\$568,396.01</b>	

July 7, 2023

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 101	134,335.54	134,335.54	
Parks/Recreation Fund – 208	320.00	320.00	
Friend of the Court – Cooperative Reimb. – 215	397.64	397.64	
Health Department Fund – 221	18,224.67	18,224.67	
Solid Waste/Recycling – 226	15,617.11	15,617.11	
Indigent Defense Fund – 260	236.90	236.90	
Central Dispatch Fund – 261	57,175.90	57,175.90	
Local Corrections Officers Training Fund – 264	283.40	283.40	
Law Library Fund – 269	3,238.24	3,238.24	
Grants – 279	3,058.01	3,058.01	
Transportation Fund – 288	5,853.50	5,853.50	
Child Care Fund – 292	13,017.32	13,017.32	
Veterans Relief Fund – 293	17,289.31	17,289.31	
Senior Services Fund – 298	5,515.38	5,515.38	
American Rescue Plan Act – ARPA – 299	448.23	448.23	
Capital Improvement Fund – 401	1,250.44	1,250.44	
Property Tax Adjustments – 516	1,460.35	1,460.35	
Fleet Management/Motor Pool – 661	115.99	115.99	
Self-Insurance Fund – 677	403,461.30	403,461.30	
Drain Fund – 801	38,739.58	38,739.58	
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>\$720,038.81</b>	<b>\$720,038.81</b>	

July 14, 2023

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 101	161,815.64	161,815.64	
Parks/Recreation Fund – 208	5,005.71	5,005.71	
Friend of the Court – Cooperative Reimb. – 215	49.29	49.29	
Health Department Fund – 221	1,063.38	1,063.38	
Register of Deeds Automation Fund – 256	851.78	851.78	
Indigent Defense Fund – 260	104,850.72	104,850.72	
Central Dispatch Fund – 261	4,728.00	4,728.00	
Drug Law Enforcement Fund–SD – 265	37,191.30	37,191.30	
Grants – 279	8,968.15	8,968.15	
Transportation Fund – 288	118,624.17	118,624.17	
Child Care Fund – 292	27,496.83	27,496.83	
Veterans Relief Fund – 293	280.04	280.04	
Senior Services Fund – 298	7,927.50	7,927.50	
American Rescue Plan Act – ARPA – 299	5,157.70	5,157.70	

July 13, 2023 Session

Radio Debt Fund – 367		638,121.39	638,121.39	
Capital Improvement Fund – 401		16,400.00	16,400.00	
Property Tax Adjustments – 516		10,207.48	10,207.48	
Revolving Drain Maintenance Fund – 639		722.00	722.00	
Self-Insurance Fund – 677		21,899.66	21,899.66	
Drain Fund – 801		53,961.99	53,961.99	
<b>TOTAL AMOUNT OF CLAIMS</b>		<b>\$1,225,322.73</b>	<b>\$1,225,322.73</b>	

**THEREFORE BE IT RESOLVED** that the Board of Commissioners adopts the report of claims for June 30, 2023; July 7, 2023; and July 14, 2023.

Moved by Commissioner DeYoung, seconded by Commissioner Dugan to adopt the report of claims for June 30, 2023; July 7, 2023; and July 14, 2023. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

**ACTION ITEMS:**

**BOARD OF COMMISSIONERS – CONCURS RECRUITMENT & RETENTION INITIATIVES**

**23/ WHEREAS**, the County Recruitment and Retention Plan has been updated for 2022/2023, which includes the Board's strategic initiatives from May 11, 2023.

**THEREFORE BE IT RESOLVED** that the Board concurs with including the initiatives, as presented.

Moved by Commissioner Dugan, seconded by Commissioner Kapenga to approve the resolution as presented. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

# ALLEGAN COUNTY RECRUITMENT AND RETENTION PLAN

2022 - 2023



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**INTRODUCTION**

Allegan County supports a united and engaged workforce by fostering a positive, team-based work environment, employing and retaining high-performing, quality employees, and promoting safety and wellness. The recruitment and retention of this dedicated workforce is a vital action for Allegan County, as it is the employees that will ensure the vision is achieved.

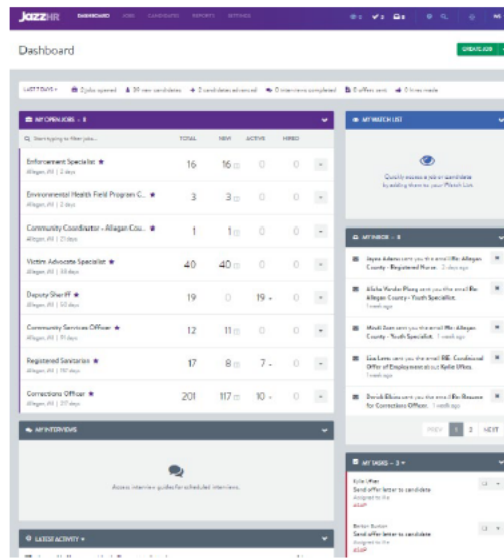
The objective of this Recruitment and Retention Plan is to detail the County’s planned support in achieving the respective goals of attracting, hiring, and retaining the best talent for the County most effectively and efficiently, in large part due to the increased retirement of experienced staff and labor-market shortages not only here in Allegan County but across the Nation. This plan will be reviewed and updated every two years as processes are refined, and new tools or strategies are created, such as collecting data from internal reviews and Employee Engagement Surveys.

**STRENGTHS**

The existing strengths of the County will help to compose a deliberate Recruitment and Retention Plan.

**A. Enhanced utilization of a successful applicant tracking system (ATS).**

The County implemented an applicant tracking system, JazzHR, in May of 2018 to better track, maintain, and advertise all job postings. With this ATS system, the County moved away from hard copy applications to everything being electronic and accessible through the website. Moving to this system continues to prove invaluable, with many staff working remotely or on a hybrid schedule so that the recruiting process can continue to move forward.



With continued utilization of the ATS system, recruitment metrics, compliance with EEO standards, evaluating trends, and pinpointing challenge areas are being monitored. Thereby allowing appropriate communication and action to address recruitment concerns across the organization. The County is able to monitor the status of positions, evaluate the need for additional advertisement, assist in the advancing of candidates to the next steps, and provide candidates with the status of their application and the position. This has helped to support and enhance operational performance as it pertains to the hiring process and has enhanced customer service relationships.

**B. An open partnership between the Hiring Manager/Service area and Human Resources.**

There is an open partnership between the hiring managers and Human Resources. In many instances, Human Resources is working closely with the hiring manager to ensure the process is going smoothly, assist with scheduling testing and interviews, move candidates through the process, and walk through the steps to make an offer and hire a candidate. This minimizes the hiring manager’s time while maximizing their input.

**C. Filling open positions in a timely manner.**

The County is filling many vacancies in a timely manner. This time to fill data does vary across the County as processes and timeframes are not identical. Some service areas require more than one interview, some may require additional testing, and the length of time it takes to identify the candidate and the number of individuals involved all affect the overall time to fill. Even with these facets of the individual process, at a county level, there is a current average “time to fill” of 53 days (1st Quarter 2022).

**D. Communication strategies to gather input from employees and leaders and share information.**

The County has implemented many communication strategies to reach employees and leaders at all levels in various ways. One way of communicating with leaders is through various meetings such as the Administrative Leadership Team, Executive Team, Quarterly Interdepartmental, and County Leadership Team held on a biweekly to quarterly basis to discuss training, operations, and strategy. A Joint Employee Group meeting is also held quarterly to present information, gain feedback from bargaining groups and discuss all aspects of the county to be proactive in efforts as it relates to policies, benefits, procedures, contract language, and compensation. An all-staff virtual meeting, known as *R.I.C.H. Conversations with Rob*, held monthly, was put into place to provide updates and training on organization-wide issues. Lastly, an Employee Engagement Survey is conducted every three years with employees through a partnership with a vendor (SHRM) to determine areas of strengths and opportunities related to compensation, benefits, career development, relationships with leadership and peers, and value.

**E. Tools created to assist in retaining employees**

There are tools that have been created through a Performance Management System. These are:

- Performance Expectations and Development Guide (PEDG) that lists cultural expectations based on the Allegan County Strategy Map.
- Onboarding Checklist to ensure new employees are provided adequate training and onboarding to the County.
- Learning and Growth Plan to develop personal and professional goals.
- Training and Development opportunities through internal and external sources.
- Coaching, Counseling, and Performance Improvement Plans to assist the employee in improved performance.
- Recognition Program that includes recognition cards, Years of Service, and Retirement Recognition.
- Employee Engagement Team that develops activities and programs, including organization-wide events, newsletters, and team-building activities.

**F. Tracking key performance indicators**

The County tracks, measures, and analyzes data related to turnover, retention, days to hire, and overall data received through the employee engagement survey to ensure the County is meeting the recruitment and retention goals it set in place. This data shows not only areas of strength but areas of opportunity where growth, recommended improvements, and change can occur through this Recruitment and Retention Plan.

**G. Compensation Enhancements**

Based on internal analysis, the employee engagement survey, market studies, and discussion through the Joint Employee Group, the County has:

- Created new job descriptions,
- Created new salary ranges based on the decision band method (DBM),

- Created a 17-step wage scale/range that was implemented in 2017,
- Created a 9-step wage scale/range that was decided upon in 2021 and a process of scaling down from the 17-step,
- Committed to the organization to review or conduct a total compensation study.

#### H. Research

The programs, measures, and tools created for recruitment and retention are built on the research and recommendations from SHRM, Michigan Human Resources Association, other seminars and conferences attended, and articles and journals written by Human Resources professionals.

## CHALLENGES

The primary challenges the County faces can be found below:

#### A. Employer brand

Marketing to candidates is imperative in competing with surrounding counties and local employers for talented candidates. One-way organizations are differentiating themselves through their employer brand. It is the face and message shown that could set Allegan County apart from other organizations and produce a positive attachment among stakeholders. An employer brand is used in all types of marketing, such as community events, social media, professional networking, and verbal communication, among others.

Allegan County has developed cultural aspects that lay the foundation for building a brand. Branding should be consistent with the organizational values of Respect, Integrity, Commitment, and Honesty. Branding should reflect the County's focus on being an innovative and efficient customer service-focused organization. One example of this is with the Safety and Security Team that uses the logo and added a tagline of "A Commitment". While decisions regarding this employer brand are being contemplated, the County needs to think about how to recruit candidates to Allegan County and develop its brand.

Allegan County has the tools to build a strong brand and utilize social platforms to reach a vast audience in marketing itself. A recruitment brand is important as it is part of the County's reputation and how it is perceived. Developing a strong brand would bring consistency to the organization and increase visibility among potential applicants.

Benefits of a recruitment brand include:

- More consistent and effective communication with job seekers.
- Timeliness in response and status during the recruitment process.
- Development of a larger and more diverse pool of applicants for vacancies.
- Can lead to a shorter time frame for filling vacancies.

The development of this employer brand will aid in the outreach and communication of the County's mission, values, culture, and personality to the community. In return, this would have the potential to increase the retention of employees and lead to referrals to the organization.

While establishing an employer brand creates an opportunity for Allegan County, it is represented as a challenge as Allegan County Government is made up of different employers. In this regard, developing a singular employer brand



may be challenging. If nothing else, the County may have to consider how to better market its different employment offerings and consider that there may be something for everyone. While all offices strive to achieve a high level of service, that may look different for each office from an employment experience.

**B. Approach to Recruitment:**

The County has determined trends that have been continuous since early 2021 as they relate to recruitment and where it may be falling short. It is vital to recognize these trends and adjust the processes of recruitment to meet these new trends and difficulties that have become prevalent.

When the County says that its recruitment takes a reactive approach, this is where focusing on the immediate hiring needs of positions that have just been vacated. The current practice is that when a termination, resignation, or retirement is received, the County then begins the request to backfill and advertisement stage. Once advertised, it then waits for candidates to find the job posting and apply. Overall, the County acts on a “need-to” basis to fill a position.

There are identified challenges with taking a reactive approach to the current status of the labor market. With this approach, the County places time pressures on sourcing and selecting the right candidate, as the need is immediate. In some cases, it can leave the County with a longer vacancy time and either push duties to other employees or the duties may fall behind. With this need to have duties completed during the vacancy, there is the risk of having to bring on a temporary employee with an agency which can lead to costs dramatically increasing for that position. Lastly, the County has to understand that there is a large risk of poor hires due to desperation to fill a position. A poor hire directly affects retention, turnover, morale, and a lack of team cohesiveness in service areas.

The County has also identified challenges through discussion at Quarterly Interdepartmental Meetings (QID) and developed themes based on these discussions. Two of the four themes, “inclusivity and demographics” and “staffing and resources”, that were identified closely relate to the County’s approach to recruitment and the challenges that it is facing.

**C. Social Media:**

With the exception of its internal and external websites, there is a shortage of social media presence for Allegan County as a whole. They currently have an Allegan County Facebook page where general postings are posted as it pertains to job openings, public notices, and announcements. These postings are not laid out well and lack graphics, the formatting is poor and hard to read, and they do not share photos or posts related to employee engagement. In contrast to other county government Facebook pages, Allegan is lacking in presence and engagement. This has been identified, and a new way of integrating its application tracking system with Facebook is being reviewed.

The current LinkedIn page for Allegan County is not being utilized or updated on any type of schedule. There is only information about where the organization is located and a link to visit its website. There is no additional information, posts created by the County, or even a photo attributed to the profile. It would benefit to utilize this social media venue more to create a branding and image that is readily available for the community and public to see.

**D. Retention:**

There is a lack of retention programs that are meant to engage, check-in, and help maintain employees here at Allegan County. At this time, many of the programs have related to employee recognition rather than focusing on how to retain employees and programs/processes that can help achieve that. The current process for a “check-in” with a new employee is to do a follow-up roughly one week after their start to go over their orientation and provide information

that is related to benefits offered and selected. The service areas are to do an onboarding checklist with their new employees, but there is a lack of consistency in completing these for all. From there, no further check-in occurs by Human Resources to see how their experience has been going, what they are struggling with, and what they wish Human Resources would have gone over with them when they started. In addition, this type of check-in is not done with tenured employees down the road to learning what keeps them here with Allegan County. In failing to do this type of outreach, the County cannot see what could have been done differently before an employee resigns. These types of outreaches to employees can provide the County with information outside of its current Employee Engagement Survey that is completed.

#### **E. Consistency**

The County has many programs, measures, and tools that have been created to assist in recruitment and retention, but they are not being utilized consistently across the organization. This has a negative impact on the organization as employees are not having the same types of onboarding and experience with the county during their tenure, which can lead to increased turnover.

### OPPORTUNITIES

Through identifying challenges, there are opportunities the County has recognized for this Recruitment and Retention Plan.

#### **A. Employer Brand:**

An employer brand will have an effect on the recruitment of new employees, retention, and engagement of current employees, and the overall perception of the organization in the market. The County has the foundation for an employer brand, and it has the ability to expand and build on what is set in place through its strategy map and values. This is a county-wide initiative, and buy-in from all parties will be necessary for them to expand and develop these brands.

#### **B. Proactive Recruiting:**

A proactive approach to recruiting is where the County is finding talent for roles that are not yet available and fostering those connections to be prepared for when a position does become available. It would be finding these potential employees, engaging and creating a relationship, attracting them to Allegan County and specific roles, and eventually hiring them as an employee. To find this talent, there are different avenues it can take in order to engage and create that relationship with those individuals. It could utilize LinkedIn at a recruiter level to allow for messaging and connecting, participate in job fairs at local universities, attend networking events, and better review applications for all positions to see if they may be a fit elsewhere. It is important that the County sees the need to move forward to a proactive approach in order to stay ahead and bring in the best talent.

Another avenue is to look within its service areas/employees and identify potential retirements, employees looking to achieve a higher-level position, disengaged employees, and new positions and needs of the service area. The County has the opportunity to achieve this by participating in service area planning/visioning (one-year, three-year, five-year outlook, etc.) and identifying potential needs that may come up and the growth of the service area. When it comes to employees and being able to proactively plan for any changes, they can learn a lot from this through their participation in Learning and Growth. The County has the opportunity to learn more about its employees in both their short-term and long-term goals, along with areas where they may be disengaged with the position or service area. There is the ability to do career planning, and growth tracking, and identify areas where improvements need to be made in order to increase our chances of retaining the employee.

**C. Social Media:**

In looking at the future of recruiting, much of how it is done is moving towards an online and digital approach. The County has the opportunity to build its image through postings and interactions on Facebook, outreach on LinkedIn, and overall presence on online platforms.

The use of the LinkedIn platform for recruiting purposes can lead to reaching a currently untapped market with vacancies and opportunities. The County has looked into both a recruiter profile and a government account to evaluate which option will best suit needs. This will tie directly into the need to move towards a proactive approach to recruiting and help to attract talent. If the County were to utilize the Allegan County page better and have the ability to take on a recruiter role, it could really garner the attention of potential Allegan County employees and leaders.

There is an opportunity through collaboration with service areas to integrate job postings on a Facebook page dedicated to Human Resources. This way, Human Resources is able to alter the format of these postings to be easier to read, have quick information about the job, and provide candidates with direct links to apply for the position. Human Resources would also be able to use this page for other outreach/visibility of what the County is doing, aspects of employee engagement, and overall, who Allegan County is.

**D. Retention:**

There is the potential for the County to implement mentoring and career development/pathing opportunities for employees that may assist in its overall retention. These were two areas of improvement from the last employee engagement survey, and these programs or opportunities could assist in a better understanding of why employees are staying and what they are looking for to continue working here. If the County has employees with goals to move up in their service area or move out of their service area, it is good to know this so the County can provide them with training and development to achieve these goals. It is also important to note that not all employees are interested in leaving their current position, but the County can still provide them with growth opportunities in relation to their current work or interests. There is a Learning and Growth Plan that has been developed to assist with this career development, but it is not used County-wide. In addition, there has been discussion around the development of a mentorship program for new employees in order to help them acclimate to Allegan County and have someone to guide them and ask questions. The County can learn from both of these programs how it can best assist employees and where it can improve to retain them.

In addition, the County could/should increase its awareness and place a larger emphasis on its R.I.C.H. core values. County Leaders have also identified this opportunity and are working to reinforce these goals and do more in terms of employee engagement with them. There is a recognition program in place where employees can receive recognition cards when they are demonstrating these R.I.C.H. values, but there is an opportunity to utilize this program more and increase the amount given out. Workplace recognition can motivate employees, provide a sense of accomplishment and make employees feel valued for their work. Not only does this recognition have a positive effect on individual employee engagement, but it has been shown to increase productivity and organizational loyalty. All of these outcomes of recognition can ultimately lead to a higher level of employee retention.

**E. Volunteer Process:**

A need for a consistent volunteer process, from recruiting to onboarding, to be used county-wide has been identified. At this time, all service areas with volunteers utilize different avenues for recruiting and selecting volunteers, conducting background checks, and onboarding volunteers. There is an opportunity to make this a more centralized process by utilizing volunteers to follow. This will ensure that volunteers are all going through a standardized process for

background checks, testing, and overall onboarding to their role. Conducting this process in the same way and having an established recruitment and onboarding process for volunteers will allow the County to be prepared for all needs, whether they are responding to an emergent or non-emergent situation. It will also allow for creating a one-volunteer page on the website where those interested in volunteering can easily view all opportunities and apply. Currently, the County is recognizing unpaid interns as volunteers. In the future, interns may be separated from volunteers to incorporate both paid and unpaid interns.

**GOALS, OBJECTIVES, AND STRATEGIES**

The goals, objectives, and strategies outlined in this plan are designed to summarize recruitment, outreach, and retention plans beginning in 2022.

GOAL	OBJECTIVES	STRATEGIC ACTIONS
<p><b>Goal #1:</b> <i>Strengthen Online Presence</i></p>	<p>1.1: Develop and promote a consistent online presence</p>	<p>1.1.1: Continue to utilize Allegan County’s Facebook Page to communicate vacancy announcements.</p> <p>1.1.2: Create an Allegan County Human Resources Facebook Page to communicate vacancy announcements and news items.</p> <p>1.1.3: Revise the content of vacancy announcements with verbiage that is geared to attract prospective applicants and direct them to the website.</p> <p>1.1.4: Update and promote the Allegan County LinkedIn page.</p> <p>1.1.5: Use the LinkedIn Recruiter Lite account and engage with the network to build relationships.</p>
<p><b>Goal #2:</b> <i>Develop an Employer Brand</i></p>	<p>2.1: Develop and promote a consistent employer brand</p>	<p>2.1.1: Explore means through which Allegan County can be marketed as a desirable employer.</p> <p>2.1.2: Develop marketing and promotional materials for recruitment and outreach events.</p> <p>2.1.3: Update job descriptions and postings to improve candidate engagement, e.g., purpose, flexibility, and remote work.</p> <p>2.1.4: Conduct internal and external research on how Allegan County is perceived as an employer.</p>
<p><b>Goal #3:</b> <i>Enhance Internal Recruitment Activities</i></p>	<p>3.1: Encourage employee referrals at all levels of the organization</p> <p>3.2: Enhance the applicant evaluation process</p>	<p>3.1.1: Create recruitment materials that are available to all employees.</p> <p>3.1.2: Develop a recruitment “toolkit” for every service area with information for potential candidates.</p> <p>3.1.3: Promote and advertise current vacancies and schedule career fair attendance during biweekly Human Resources updates to Administration.</p> <p>3.2.1: Develop a standard evaluation phase in the applicant selection process.</p>

		<p>3.2.2: Create a consistent interview question and evaluation template that includes core competencies for all service areas.</p> <p>3.2.3: Develop a guide for service area use to effectively move applicants through the workflow in JazzHR.</p> <p>3.2.4: Develop a training guide for new users to JazzHR to assist in the use of the program.</p> <p>3.2.5: Evaluate candidates for other positions to keep in the talent pool.</p>
	<p>3.3: Capitalize on potential internal applicants</p>	<p>3.3.1: Send all vacancy announcements to their respective bargaining unit.</p> <p>3.3.2: Develop internal applications in JazzHR for postings.</p> <p>3.3.3: Create an internal job page on the Intranet with links to all positions.</p> <p>3.3.4: Submit a reminder and link to the internal job page with the Human Resources updates biweekly to Administration.</p>
<p><b>Goal #4:</b> <i>Execute Action Items Relevant to Recruitment, Hiring, and Retention Of the Unique Work Environment</i></p>	<p>4.1: Design and perform strategic outreach and recruitment to reach all segments of the community</p>	<p>4.1.1: Continue to collect and analyze applicant flow data and other inclusion and EEO statistics.</p> <p>4.1.2: Coordinate outreach and recruitment strategies to maximize the ability to recruit an inclusive, broad spectrum of potential applicants.</p> <p>4.1.3: Use clear and consistent communication materials to educate on the mission and to promote employment opportunities.</p> <p>4.1.4: Begin use of LinkedIn Recruiter Lite account and engage with network to build relationships.</p> <p>4.1.5: Attend networking events to build a presence and build relationships.</p>
	<p>4.2: Design and execute the implementation of an Inclusivity and Equity Strategic Plan</p>	<p>4.2.1: Develop an inclusivity and equity strategic plan for Allegan County.</p> <p>4.2.2: Add an inclusion component to both onboarding/orientation materials and the performance expectations and development program.</p> <p>4.2.3: Provide training and development opportunities to all staff regarding inclusivity and equity.</p> <p>4.2.4: Enhance the inclusivity of the applicant pool.</p>
	<p>4.3: Foster engagement programs to strengthen retention of employees</p>	<p>4.3.1: Identify and evaluate current retention and turnover for the County.</p> <p>4.3.2: Promote the use of onboarding checklists for all new hires in the County.</p>

		<p>4.3.3: Develop a plan for new hire touch-points during the first year of employment.</p> <p>4.3.4: Develop a plan for stay interviews of tenured employees.</p> <p>4.3.5: Create a mentorship program with the Employee Engagement Team.</p>
<p><b>Goal #5:</b> <i>Strengthen External Recruitment Activities, Procedures, and Relationships</i></p>	<p>5.1: Increase external presence at recruitment and career events</p>	<p>5.1.1: Coordinate and implement an Allegan County recruitment event.</p> <p>5.1.2: Attend local career events in surrounding counties.</p> <p>5.1.3: Explore relationships with local organizations and schools specializing in career exploration and training.</p> <p>5.1.4: Participate in career outreach events with local schools.</p>
	<p>5.2: Enhance relationships with Colleges, Universities, and technical institutions</p>	<p>5.2.1: Utilize free job posting services at educational institutions for all vacancies.</p> <p>5.2.2: Attend recruitment events at local colleges and universities.</p> <p>5.2.3: Advertise and/or promote entry-level job openings with Allegan Technical Center for students who will be graduating.</p>
	<p>5.3: Develop a consistent volunteer process for all county service areas.</p>	<p>5.3.1: Meet with service areas that utilize volunteers to determine their current processes and needs.</p> <p>5.3.2: Create a standardized volunteer application and onboarding process.</p> <p>5.3.3: Work with Information Services to create and/or update a volunteer page on the website for all volunteer information to be found.</p>

QUARTERLY STRATEGIC PLAN

2022 Quarterly Action Items

<p>2022: Quarter 1</p>	<p>EE102-01-001: Implement a new compensation program whereby lowering the steps in the wage tables to 9 by 2026.</p>	<p>Complete</p>
<p>2022: Quarter 2</p>	<p>EE102-01-002: Work with Information Services to create an Allegan County Human Resources Facebook Page that will integrate with JazzHR.</p>	<p>Complete</p>
	<p>EE102-01-003: Purchase the LinkedIn Recruiter Lite account for the Human Resources Specialist II.</p>	<p>Complete</p>
	<p>EE102-01-004: Evaluate JazzHR and Facebook integration to determine if needs are met in the</p>	<p>Complete</p>

	ability to change the verbiage of vacancy announcements.	
2022: Quarter 3	EE102-01-005: Begin work towards a consistent volunteer recruitment and onboarding process for all county service areas.	Complete
	EE102-01-006: Complete a retention and turnover analysis for the entire county as well as by service area for the last 3 years. Determine trends from this analysis.	Complete – analyzed past 5 years instead of 3
	EE102-01-007: Begin networking using LinkedIn and engage with the community.	Complete
	EE102-01-008: Continue work on consistent volunteer recruitment and onboarding processes for all county service areas.	Complete
2022: Quarter 4	EE102-01-009: Create an activity schedule and outline for the mentorship program with the Employee Engagement Team and Human Resources.	Complete
	EE102-01-010: Attend recruitment events at local colleges and universities.	Complete
	EE102-01-011: Evaluate JazzHR capabilities and future needs of the system.	Complete
	EE102-01-012: Work with bargaining groups to implement additional retention programs: Retention Bonus, Increase PTO accruals to the nearest ¼ hour, and step increases in January of each year through 2025.	Complete

2023 Quarterly Action Items

2023: Quarter 1	EE102-01-013: Review 2022 retention and turnover to identify trends. (Aligns with Board of Commissioners Strategic Plan).	Complete
	EE102-01-014: Explore opportunities and relationships with local organizations and schools specializing in career exploration and training.	Complete
2023: Quarter 2	EE102-01-015: Develop a plan for new-hire touch-points during the first year of employment.	
	EE102-01-016: Develop a standard evaluation phase in the applicant selection process.	
	EE102-01-017: Update job postings to be less task focused and more about benefits and their role with Allegan County.	
	EE102-01-018: Begin salary study and send to comparable counties for data (Aligns with Board of Commissioners Strategic Plan).	

	EE102-01-019: Upload all training guides for JazzHR, including workflow use and new user information, to the Intranet and provide information to hiring managers on location.	
	EE102-01-020: Create a talent pool “position” in JazzHR to house applications received from candidates for positions not yet open.	
	EE102-01-021: All staff completes the 2023 SHRM Employee Engagement survey. (Aligns with Board of Commissioners Strategic Plan).	
	EE102-01-022: Complete exit interviews for all employees leaving employment.	
	EE102-01-023: Develop the countywide mentorship plan and program.	
<b>2023: Quarter 3</b>	EE102-01-024: Begin evaluating candidates from each posting to have in the talent pool and determine if they would be interested in other positions.	
	EE102-01-025: Begin updating and revising the current Allegan County LinkedIn page.	
	EE102-01-026: Create recruitment materials that are available to all employees for internal recruitment use.	
	EE102-01-027: Create an internal job page on the Intranet with Information Services for all vacant positions.	
	EE102-01-028: Develop an application to be used for all internal applicants separate from the external application.	
	EE102-01-029: Develop a plan for stay interviews of tenured employees to be used starting in Quarter 4 of 2023.	
	EE102-01-030: Complete salary study and analyze the data received from comparable counties (Aligns with Board of Commissioners Strategic Plan).	
<b>2023: Quarter 4</b>	EE102-01-031: Develop a plan to ensure fair access to applicants to learn about vacancies and apply without technology within the County.	
	EE102-01-032: Develop an interview question guide and evaluation template for all service areas that will include core competencies.	
	EE102-01-033: Implement the new volunteer recruitment and onboarding process for all county service areas.	



EE102-01-034: Coordinate and implement an Allegan County recruitment event.	
EE102-01-035: Research and compile information for the development of an Inclusivity and Equity Strategic Plan	

**CONCLUSION**

The goals and objectives of this Recruitment and Retention Plan will reinforce the methods the County will use in order to secure the workforce necessary for it to accomplish its mission, reach its vision, and maintain its high-performing values. By embracing these recruitment and retention strategies, the County is positioning itself in the best way possible to ensure its hiring needs will be fulfilled successfully. Over the course of the next year, Human Resources will continue to develop action plans and items for each of the objectives and actions listed to include timelines, policies, milestones, and metrics for evaluating success. Ultimately, the effectiveness of the County’s efforts is going to require a continued commitment by every person in the organization to invest in these recruitment and retention measures.

## APPENDIX A – OUTREACH AND CALENDAR OF EVENTS

Event	Target	Location	Link
<b>Grand Valley State University – Careers in Nonprofit &amp; Public Service</b>	College students specifically interested in nonprofit and government	Grand Rapids, Michigan	<a href="https://www.gvsu.edu/careers/2021-22-employer-events-300.htm">https://www.gvsu.edu/careers/2021-22-employer-events-300.htm</a>
<b>Grand Valley State University – Winter Career &amp; Internship Fair</b>	Graduating students and professionals in Grand Rapids	Grand Rapids, Michigan	<a href="https://www.gvsu.edu/careers/2021-22-employer-events-300.htm">https://www.gvsu.edu/careers/2021-22-employer-events-300.htm</a>
<b>Grand Valley State University – Summer Job Fair</b>	Students interested in summer work – Park Ranger position	Grand Rapids, Michigan	<a href="https://www.gvsu.edu/careers/2021-22-employer-events-300.htm">https://www.gvsu.edu/careers/2021-22-employer-events-300.htm</a>
<b>Western Michigan University – Business Career Day</b>	Graduating students and professionals in Kalamazoo	Kalamazoo, Michigan	<a href="https://wmich.edu/career/employers">https://wmich.edu/career/employers</a>
<b>Western Michigan University – Government &amp; Nonprofit Job Fair</b>	College students specifically interested in nonprofit and government	Kalamazoo, Michigan	<a href="https://wmich.edu/career/employers">https://wmich.edu/career/employers</a>
<b>Southwest Michigan Job Fair</b>	Professionals in the Kalamazoo area	Kalamazoo, Michigan	N/A

**SHERIFF'S DEPARTMENT - AUTHORIZE ADDITIONAL BODY WORN CAMERA PURCHASE**

**24/ WHEREAS**, the Board of Commissioners (Board) approved a capital appropriation of \$140,000 in the 2021 budget to procure a Body Worn Camera (BWC) Solution for the Sheriff's Office, for which unspent funds were approved for, and have been carried over into 2022 to complete the implementation; and

**WHEREAS**, on February 10, 2022 the Board awarded a bid for a BWC Solution to Axon Enterprise, Inc. 17800 North 85<sup>th</sup> Street, Scottsdale, Arizona 85255, for a not to exceed 1<sup>st</sup> Year implementation cost of \$125,000 and authorized the County Administrator to negotiate a final contract; and

**WHEREAS**, the 1<sup>st</sup> Year implementation was completed successfully and additional BWCs are now necessary to maintain current BWC standards.

**THEREFORE BE IT RESOLVED** the Board hereby authorizes the purchase of additional BWCs, and related 1<sup>st</sup> Year implementation costs for the additional units, through Axon Enterprise, Inc. not to exceed \$30,000; and

**BE IT FINALLY RESOLVED** that the County Administrator is authorized to make the necessary budget adjustments, and any necessary documents to complete this action are authorized to be negotiated and signed.

Moved by Commissioner Dugan, seconded by Commissioner Beltman to approve the resolution as presented. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

**BOARD OF COMMISSIONERS - REQUEST TO MEET WITH MICHIGAN PUBLIC SERVICE COMMISSION (MPSC) TO DISCUSS RIVER HYDROELECTRIC POWER**

**25/ WHEREAS**, in a news release dated August 9, 2022, Consumers Energy announced it will "gather opinions from the public about the 13 dams they own and operate on five Michigan rivers to help guide their decisions about the future of those electric generating facilities"; and

**WHEREAS**, on August 31, 2022, and June 27, 2023, Consumers Energy held a public meeting in Allegan County regarding Calkins Bridge Dam; and

**WHEREAS**, public members and local leaders expressed great concern regarding the potential removal of the hydro facilities/dams during the meeting and have further expressed concerns in writing to the Board of Commissioners; and

**WHEREAS**, the Board of Commissioners believes that Lake Allegan is an integral part of our region, and other dams and lakes are likely an integral part of their respective regions, the dams and lakes should be preserved; and

**WHEREAS**, the Board of Commissioners has identified river hydroelectric power as a reliable, stable source of power for both Allegan County and the State of Michigan; and

**WHEREAS**, data provided by Consumers Energy demonstrates the relicensing and continued operations of Calkins Dam is cheaper for customers than decommissioning the dam; and

**THEREFORE BE IT RESOLVED**, the Board of Commissioners is requesting the MPSC meet locally in Allegan County to consider local input, educate stakeholders on the role of the MPSC and impact that may have on the future of the Calkins Dam, and to discuss the unique value proposition the Calkins Dam offers; and

**BE IT FURTHER RESOLVED**, Midwest Strategies Group is hereby requested to contact the MPSC on behalf of Allegan County to arrange said meeting; and

**BE IT FINALLY RESOLVED**, the Clerk is hereby instructed to provide a certified copy of this resolution to Dan Scripps, Chair of the MPSC, Senators: Thomas Albert, Aric Nesbitt, Roger Victory; Representatives: Joey Andrews, Nancy DeBoer, Matt Hall, Angela Rigas, Rachelle Smit, Pauline Wendzel; and Coco Soodek, Lake Allegan Association; City of Allegan Council Members and Manager, Allegan Township Board Members, Valley Township Board Members, Derek Nofz Consumers Energy, and Derek Melot, Michigan Association of Counties.

Moved by Commissioner Beltman, seconded by Commissioner Dugan to approve the resolution as presented. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

**DISCUSSION ITEMS:**

**BOARD OF COMMISSIONERS - APPOINT CONSERVATION DISTRICT BOARD LIAISON**

26/ Brian Talsma from the Allegan Conservation District addressed the board regarding the concept of a county board liaison for the Conservation District Board. The liaison would be appointed by the Board of Commissioners and be present for District meetings with the opportunity for full participation in discussion and would keep the Board of Commissioners aware of District business. The liaison would not be a voting member of the district.

Moved by Commissioner Dugan, seconded by Commissioner Kapenga to have Administration prepare an appropriate resolution to appoint Chairman Storey as the Conservation Liaison to the Allegan Conservation District. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

**PUBLIC PARTICIPATION - NO COMMENTS**

27/ Chairman Storey opened the meeting to public participation and as there were no comments from the public, he closed the meeting to public participation.

**ADJOURNMENT UNTIL JULY 27, 2023 AT 1:00 P.M.**

28/ Moved by Commissioner Dugan, seconded by Commissioner Kapenga to adjourn until July 27, 2023 at 1:00 P.M. The motion carried by voice vote and the meeting was adjourned at 3:26 P.M. Yeas: 5 votes. Nays: 0 votes.



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Deputy Clerk

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Board Chairperson

Minutes approved during the 00/00/2023 Session

July 13, 2023 Session



# Allegan County

December 31, 2022 Audit Summary

Gabridge & Company

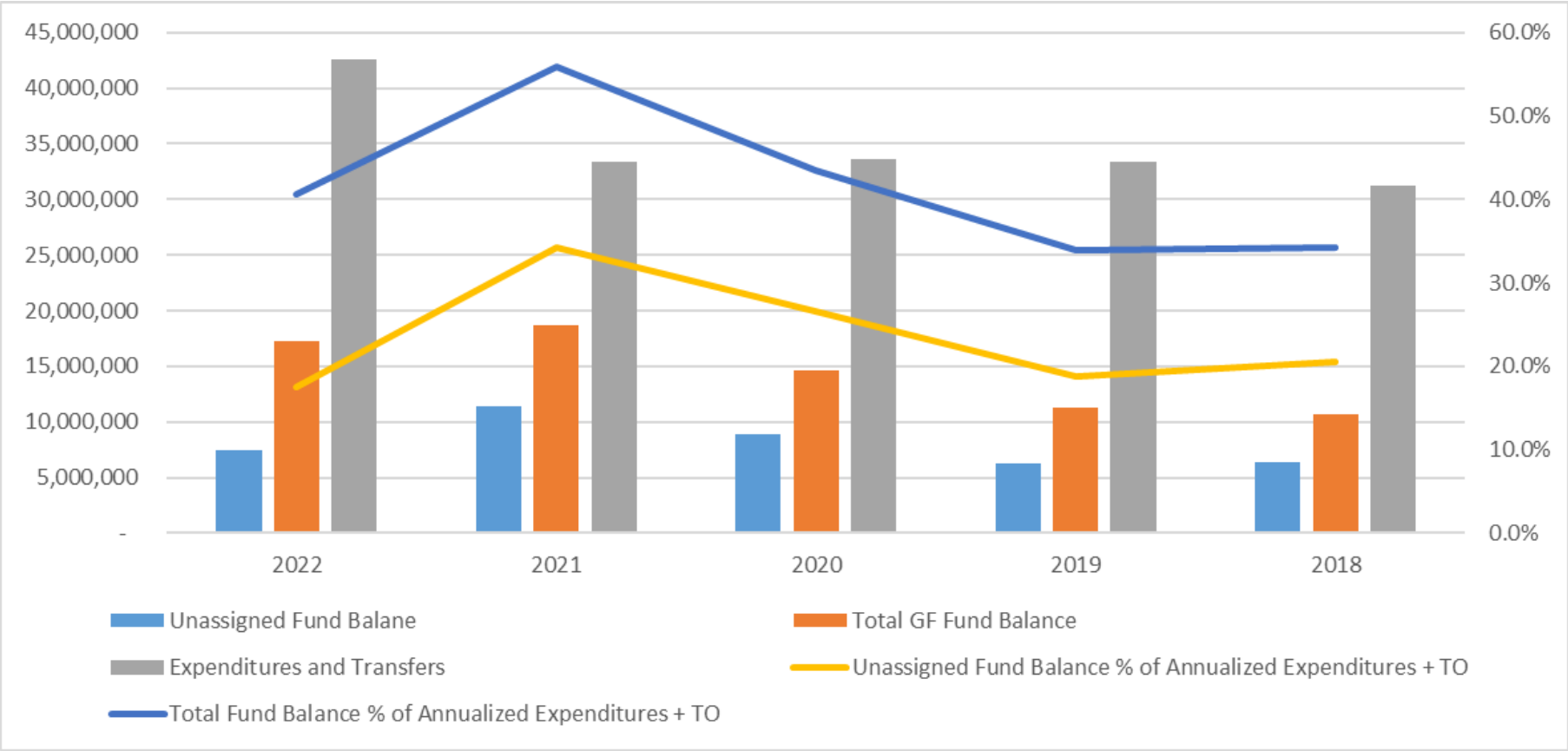
# Audit Opinion

- ▶ Issued an unmodified opinion - highest level of assurance
- ▶ No internal control deficiencies
- ▶ No deficit fund balances
- ▶ No major budget deficiencies (as defined by state)
- ▶ Implementation of GASB Statement No. 87 - Leases

# Financial Highlights

- ▶ Fund balance across all governmental funds as of 12/31/22 was \$40,002,888
  - ▶ Increase of \$204,832
- ▶ General Funds ending fund balance as of 12/31/2022 was \$17,282,091
  - ▶ Decrease of \$1,397,331
  - ▶ Unassigned fund balance of \$7,474,000
    - ▶ 17.5% of annualized expenditures and transfers out of the General Funds

# General Fund - Fund Balance





# Statement of Net Position

	Governmental Activities		Business-type Activities		Total Primary Government	
	2022	2021	2022	2021	2022	2021
<b>ASSETS</b>						
<i>Current Assets</i>						
Cash and pooled investments	\$ 64,442,144	\$ 56,796,950	\$ 11,649,678	\$ 11,325,345	\$ 76,091,822	\$ 68,122,295
Accounts receivable	3,085,817	1,294,643	566,612	766,430	3,652,429	2,061,073
Leases receivable	231,693	-	-	-	231,693	-
Property taxes receivable	4,517,060	3,867,327	3,980,923	3,852,199	8,497,983	7,719,526
Due from other governments	3,532,833	2,694,909	1,684,783	147,441	5,217,616	2,842,350
Inventory	23,316	24,292	-	-	23,316	24,292
Prepays	793,659	1,048,978	-	12,554	793,659	1,061,532
<b>Total Current Assets</b>	<b>76,626,522</b>	<b>65,727,099</b>	<b>17,881,996</b>	<b>16,103,969</b>	<b>94,508,518</b>	<b>81,831,068</b>
<i>Noncurrent Assets</i>						
Leases receivable, long-term	1,256,803	-	-	-	1,256,803	-
Capital assets not being depreciated	1,471,111	2,839,814	-	-	1,471,111	2,839,814
Capital assets being depreciated, net	38,950,580	37,530,400	1,732,297	1,831,169	40,682,877	39,361,569
Advance to component unit	1,667,040	1,102,040	-	-	1,667,040	1,102,040
Net pension asset	-	-	20,980	-	20,980	-
<b>Total Assets</b>	<b>119,972,056</b>	<b>107,199,353</b>	<b>19,635,273</b>	<b>17,935,138</b>	<b>139,607,329</b>	<b>125,134,491</b>
<b>DEFERRED OUTFLOWS OF RESOURCES</b>						
Pension	8,128,631	822,036	6,084	1,860	8,134,715	823,896
<b>Total Deferred Outflows of Resources</b>	<b>8,128,631</b>	<b>822,036</b>	<b>6,084</b>	<b>1,860</b>	<b>8,134,715</b>	<b>823,896</b>
<b>LIABILITIES</b>						
<i>Current Liabilities</i>						
Accounts payable	2,196,945	3,002,192	1,055,308	794,401	3,252,253	3,796,593
Accrued liabilities	2,818,995	3,085,002	139,224	118,004	2,958,219	3,203,006
Due to other governments	543,307	444,850	-	225	543,307	445,075
Unearned revenue	23,018,013	11,642,700	26,974	-	23,044,987	11,642,700
Accrued interest	121,765	134,492	-	-	121,765	134,492
Current portion of long-term debt	2,102,271	2,045,102	-	-	2,102,271	2,045,102
<b>Total Current Liabilities</b>	<b>30,801,296</b>	<b>20,354,338</b>	<b>1,221,506</b>	<b>912,630</b>	<b>32,022,802</b>	<b>21,266,968</b>
<i>Noncurrent Liabilities</i>						
Long-term debt	18,567,811	20,135,062	-	-	18,567,811	20,135,062
Compensated absences	1,661,493	1,600,786	107,774	139,460	1,769,267	1,740,246
Net pension liability	1,880,486	3,534,354	-	93,274	1,880,486	3,627,628
<b>Total Liabilities</b>	<b>52,911,086</b>	<b>45,624,540</b>	<b>1,329,280</b>	<b>1,145,364</b>	<b>54,240,366</b>	<b>46,769,904</b>
<b>DEFERRED INFLOWS OF RESOURCES</b>						
Revenues intended to finance a subsequent year	4,524,108	2,606,530	-	-	4,524,108	2,606,530
Deferred lease revenues	1,370,696	-	-	-	1,370,696	-
Pension	5,007,549	1,957,652	162,997	76,783	5,170,546	2,034,435
<b>Total Deferred Inflows of Resources</b>	<b>10,902,353</b>	<b>4,564,182</b>	<b>162,997</b>	<b>76,783</b>	<b>11,065,350</b>	<b>4,640,965</b>
<b>NET POSITION</b>						
Net investment in capital assets	29,918,964	29,078,055	1,732,297	1,831,169	31,651,261	30,909,224
Restricted	14,409,284	12,483,101	-	-	14,409,284	12,483,101
Unrestricted	19,959,000	16,271,511	16,416,783	14,883,682	36,375,783	31,155,193
<b>Total Net Position</b>	<b>\$ 64,287,248</b>	<b>\$ 57,832,667</b>	<b>\$ 18,149,080</b>	<b>\$ 16,714,851</b>	<b>\$ 82,436,328</b>	<b>\$ 74,547,518</b>



# Statement of Activities

	<b>Governmental Activities</b>		<b>Business-type Activities</b>		<b>Total Primary Government</b>	
	<b>2022</b>	<b>2021</b>	<b>2022</b>	<b>2021</b>	<b>2022</b>	<b>2021</b>
<b>Revenues</b>						
<b>Program Revenues</b>						
Charges for services	\$ 11,430,577	\$ 12,488,320	\$ 5,445,577	\$ 5,907,018	\$ 16,876,154	\$ 18,395,338
Operating grants and contributions	19,872,795	18,142,634	2,621,553	1,531,217	22,494,348	19,673,851
Capital grants and contributions	24,795	66,382	-	-	24,795	66,382
<b>Total Program Revenues</b>	<b>31,328,167</b>	<b>30,697,336</b>	<b>8,067,130</b>	<b>7,438,235</b>	<b>39,395,297</b>	<b>38,135,571</b>
<b>General Revenues</b>						
Taxes	33,226,744	27,472,680	1,421,518	1,340,919	34,648,262	28,813,599
Unrestricted intergovernmental revenues	2,799,087	1,839,723	-	-	2,799,087	1,839,723
Interest income	75,233	11,895	(28,002)	2,159	47,231	14,054
<b>Total General Revenues</b>	<b>36,101,064</b>	<b>29,324,298</b>	<b>1,393,516</b>	<b>1,343,078</b>	<b>37,494,580</b>	<b>30,667,376</b>
<b>Total Revenues</b>	<b>67,429,231</b>	<b>60,021,634</b>	<b>9,460,646</b>	<b>8,781,313</b>	<b>76,889,877</b>	<b>68,802,947</b>
<b>Expenses</b>						
Judicial	9,187,379	8,904,616	-	-	9,187,379	8,904,616
General government	16,162,129	14,396,792	-	-	16,162,129	14,396,792
Public safety	20,700,116	20,298,594	-	-	20,700,116	20,298,594
Public works	1,130,831	1,802,751	-	-	1,130,831	1,802,751
Health and welfare	13,275,824	12,687,418	-	-	13,275,824	12,687,418
Community and economic development	130,667	325,904	-	-	130,667	325,904
Recreation and culture	599,327	477,518	-	-	599,327	477,518
Interest on long-term debt	673,060	734,634	-	-	673,060	734,634
Delinquent property tax	-	-	298,961	176,857	298,961	176,857
Medical Care Community	-	-	6,842,773	7,424,338	6,842,773	7,424,338
<b>Total Expenses</b>	<b>61,859,333</b>	<b>59,628,227</b>	<b>7,141,734</b>	<b>7,601,195</b>	<b>69,001,067</b>	<b>67,229,422</b>
<b>Changes in Net Position Before Transfers</b>	<b>5,569,898</b>	<b>393,407</b>	<b>2,318,912</b>	<b>1,180,118</b>	<b>7,888,810</b>	<b>1,573,525</b>
Transfers, net	884,683	804,558	(884,683)	(804,558)	-	-
<b>Change in Net Position</b>	<b>6,454,581</b>	<b>1,197,965</b>	<b>1,434,229</b>	<b>375,560</b>	<b>7,888,810</b>	<b>1,573,525</b>
<i>Net Position at the Beginning of Period</i>	<i>57,832,667</i>	<i>56,634,702</i>	<i>16,714,851</i>	<i>16,339,291</i>	<i>74,547,518</i>	<i>72,973,993</i>
<b>Net Position at the End of Period</b>	<b>\$ 64,287,248</b>	<b>\$ 57,832,667</b>	<b>\$ 18,149,080</b>	<b>\$ 16,714,851</b>	<b>\$ 82,436,328</b>	<b>\$ 74,547,518</b>

# Pension

	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
<b>Total Pension Liability</b>						
Service cost	\$ 397,012	\$ 387,131	\$ 547,472	\$ 563,239	\$ 566,872	\$ 575,360
Interest	5,287,415	5,061,448	5,302,851	5,176,056	5,158,817	5,101,578
Differences between expected and actual experience	248,542	(149,467)	632,920	355,330	(1,088,250)	(633,978)
Changes in assumptions **	2,687,085	2,581,598	2,424,842	-	-	-
Changes in benefits	-	-	(3,824,839)	-	-	-
Benefit payments, including refunds	(4,979,744)	(4,823,184)	(4,558,315)	(4,445,235)	(4,395,034)	(4,251,411)
Other changes	-	-	-	-	2,160,970	-
<b>Net Change in Pension Liability</b>	<u>3,640,310</u>	<u>3,057,526</u>	<u>524,931</u>	<u>1,649,390</u>	<u>2,403,375</u>	<u>791,549</u>
<i>Total Pension Liability - Beginning</i>	<u>71,873,549</u>	<u>68,816,023</u>	<u>68,291,092</u>	<u>66,641,702</u>	<u>64,238,327</u>	<u>63,446,778</u>
<b>Total Pension Liability - Ending (a)</b>	<u>\$ 75,513,859</u>	<u>\$ 71,873,549</u>	<u>\$ 68,816,023</u>	<u>\$ 68,291,092</u>	<u>\$ 66,641,702</u>	<u>\$ 64,238,327</u>
<b>Plan Fiduciary Net Position</b>						
Contributions - employer	\$ 829,944	\$ 556,320	\$ 587,231	\$ 392,628	\$ 6,727,018	\$ 368,383
Contributions - employee	240,036	253,603	297,326	281,627	281,302	314,894
Net investment income (loss)	9,426,334	7,820,652	8,042,589	(2,507,442)	7,736,509	6,026,562
Benefit payments, including refunds	(4,979,744)	(4,823,184)	(4,558,315)	(4,445,235)	(4,395,034)	(4,251,411)
Administrative expenses	(108,138)	(127,206)	(138,479)	(127,060)	(298,081)	(119,106)
Other changes/transfers	-	-	-	(79,216)	176,601	-
<b>Net Change in Plan Fiduciary Net Position</b>	<u>5,408,432</u>	<u>3,680,185</u>	<u>4,230,352</u>	<u>(6,484,698)</u>	<u>10,228,315</u>	<u>2,339,322</u>
<i>Plan Fiduciary Net Position - Beginning</i>	<u>68,245,921</u>	<u>64,565,736</u>	<u>60,335,384</u>	<u>66,820,082</u>	<u>56,591,767</u>	<u>54,252,445</u>
<b>Plan Fiduciary Net Position - Ending (b)</b>	<u>\$ 73,654,353</u>	<u>\$ 68,245,921</u>	<u>\$ 64,565,736</u>	<u>\$ 60,335,384</u>	<u>\$ 66,820,082</u>	<u>\$ 56,591,767</u>
<b>Net Pension Liability (Asset) - Ending (a) - (b)</b>	\$ 1,859,506	\$ 3,627,628	\$ 4,250,287	\$ 7,955,708	\$ (178,380)	\$ 7,646,560
<b>Plan Fiduciary Net Position as a Percentage of Total Pension Liability</b>	97.5%	95.0%	93.8%	88.4%	100.3%	88.1%

# Questions






# Annual Report

Office of the Public Defender,  
Allegan Van Buren Counties

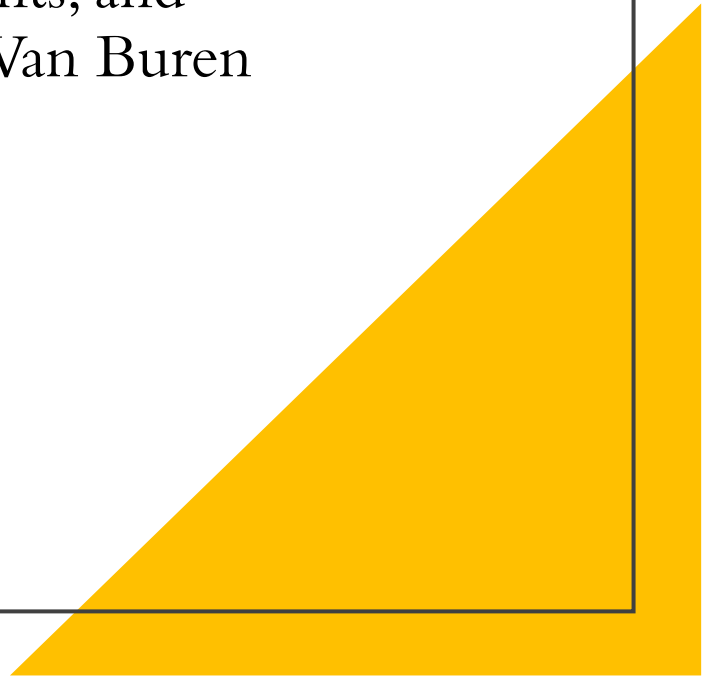
## Our Mission:

The Regional Office of the Public Defender engages in stewardship that ensures that it zealously delivers quality, holistic public defense services to all eligible adults charged with a criminal offense in Allegan and Van Buren Counties.



# Annual Report Theme '23

"Our relationship with MIDC has paid dividends for our clients, and the people of Allegan and Van Buren Counties."

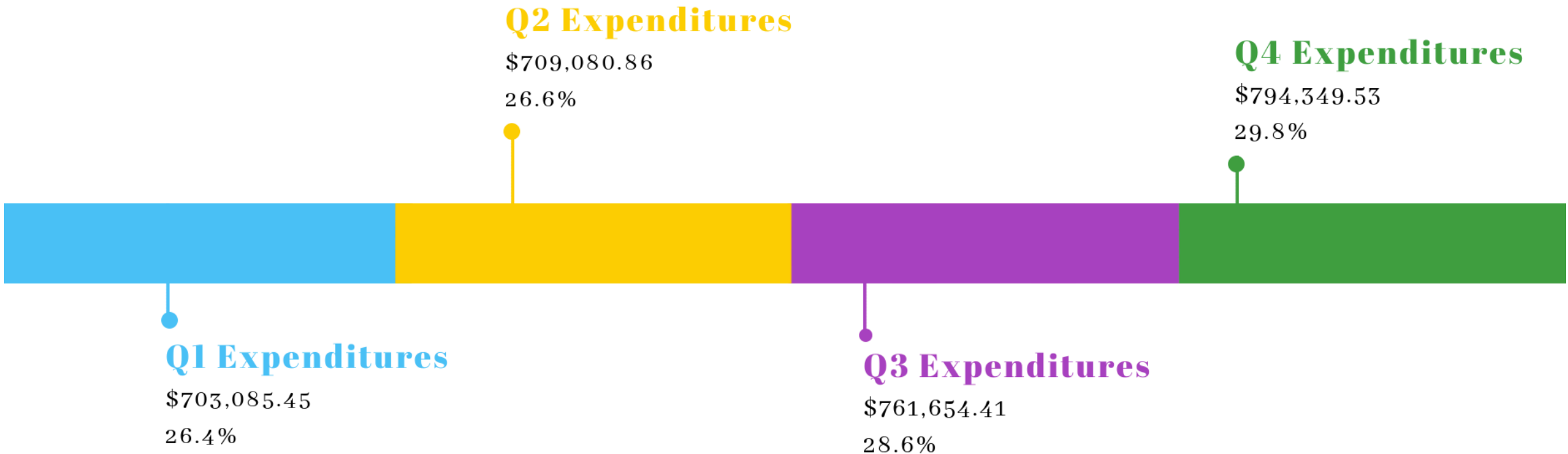


# Collaboration: Budget

"Those at the bottom compete, those at the top collaborate"

## MIDC Financial Compliance

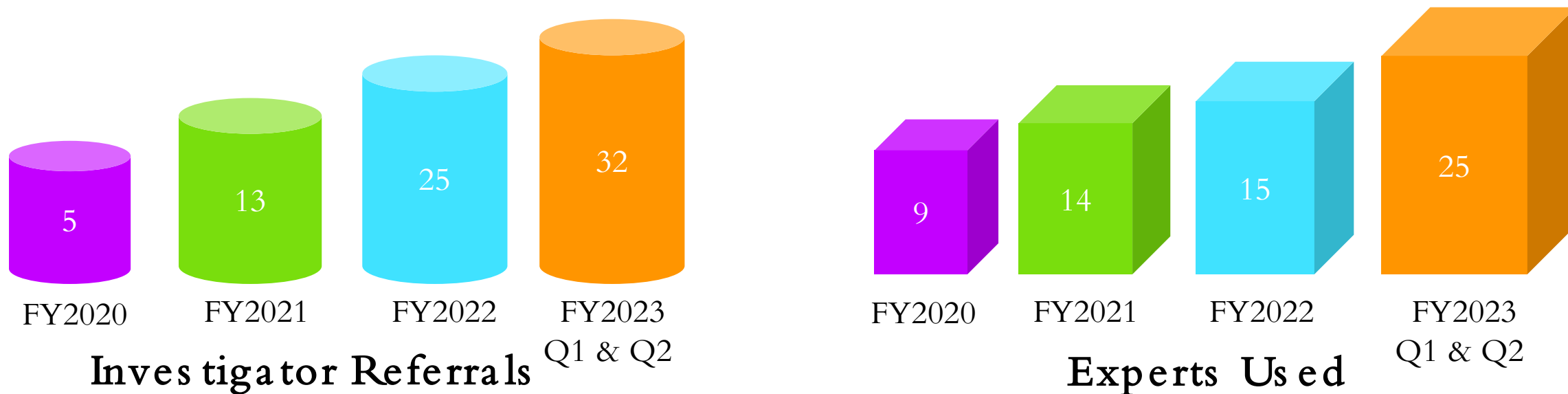
2022 Expense Budget: \$2,662,839.98, 100%



# Collaboration: Compliance Plan/Standards

"Those at the bottom compete, those at the top collaborate"

Utilization of MIDC Standard 3 (experts and investigators)

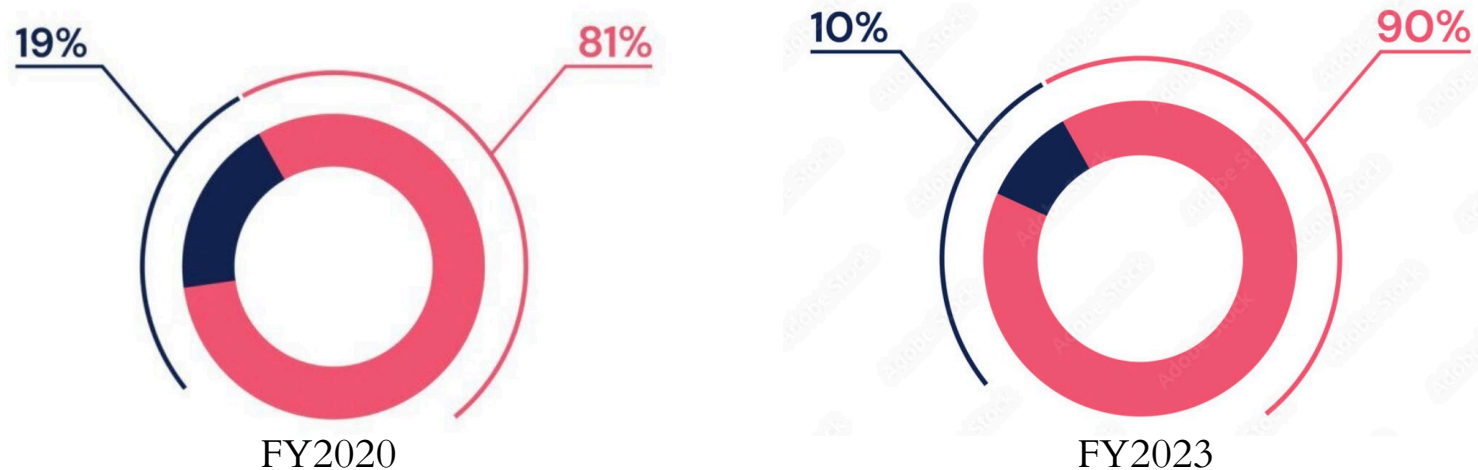




# Collaboration: Compliance Plan/Standards

"Those at the bottom compete, those at the top collaborate"

Utilization of MIDC Standard 4 (Counsel at First Appearance and Other Critical Stages)



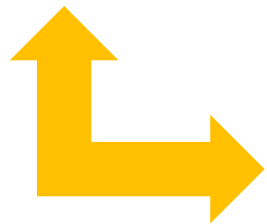
**Covered Arraignments**  
**Not Covered Arraignments**

# Collaboration: Compliance Plan/Standards

"Those at the bottom compete, those at the top collaborate"

MIDC Standard 5 (Independence from the Judiciary)

★2023 Process★



OPD determines indigency based on:

- MIDC Standards
- Michigan Law

Factors Include:

- Receipt of State benefits
- Amount and source of household income
- Debts
- Changes in financial condition

OPD:

- Either finds defendant to be indigent or denies appointment of counsel
- Makes case assignment upon internal determination of indigency
- Defendant may appeal that determination to the court

# Collaboration: Compliance Plan/Standards

"Those at the bottom compete, those at the top collaborate"

MIDC Proposed Standard 8 (Attorney Compensation)

Anticipated FY2024 OPD compliance

## Staff Attorneys

Compensated in accordance with prosecutor parity and based on wage studies of comparable systems

## Roster Attorneys

- \$125 per hour for misdemeanors
- \$135 per hour for low-severity felonies
- \$145 per hour for high felonies

# Holistic Defense Project

## ★3 BIG Wins★

"Those at the bottom compete, those at the top collaborate"

Holistic Defense  
Fellowship Program in  
collaboration with Wayne  
State University and  
MIDC



Implementation of  
MIDC Training  
Opportunities for  
attorneys representing  
juvenile justice cases



Work with the Allegan  
County Sheriff's  
Department/Jail





# Looking Forward...

★Office of the Public Defender continues to wish to lead in the implementation of:

- Reforms
- Holistic Defense Principles

★Office of the Public Defender has been & will continue to seek out those opportunities for the benefit of our clients

# OFFICE OF THE PUBLIC DEFENDER, Allegan Van Buren Counties

2023 Annual Report



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Chief Public Defender, Chad D. Catalino

Presentation Dates:

July 27, 2023, Allegan County  
June 27, 2023, Van Buren County

[www.allegancounty.org/courts-law-enforcement/public-defender](http://www.allegancounty.org/courts-law-enforcement/public-defender)

# OFFICE OF THE PUBLIC DEFENDER

## *Our Purpose and Mission*

The Regional Office of the Public Defender engages in stewardship that ensures that it zealously delivers quality, holistic public defense services to all eligible adults charged with a criminal offense in Allegan and Van Buren Counties.

## *Our Vision*

To carry out this purpose, the Public Defender's Office:

1. Monitors compliance with MIDC standards and constitutional requirements;
2. Develops, implements and reviews best practices;
3. Develops relationships with community resources and stakeholders to support clients;
4. Recognizes the value and potential of each client and connects them with community resources beyond the legal process.
5. Exercises good stewardship of public funds;
6. Collects and analyzes data to assess the impact of the Office's work and inform its decisions in relation to its standards and constitutionally effective assistance of counsel;
7. Provide a safe environment for clients and staff.

The Office of the Public Defender's (OPD) Staff and Roster attorneys are committed to and take pride in serving indigent defendants in Allegan and Van Buren Counties with zealously and sincerity. OPD is equally committed to continuous improvement through organizational and process review as well as the implementation of innovative Holistic Defense ideas. This purpose is accomplished through:

- regularly scheduled MIDC meetings;
- regularly scheduled stakeholder collaboration meetings;
- regularly scheduled staff meetings;
- regularly scheduled roster attorney meetings;
- participation in leadership meetings;
- regular collaboration with Allegan and Van Buren County Administration.

OPD's Allegan Office is staffed by:

- The Chief Public Defender (on a rotational basis);
- The Deputy Chief Public Defender (on a rotational basis);
- Four (4) Assistant Public Defenders;
- One (1) Legal Assistant (assigned);
- One (1) Legal Assistant (on a rotational basis);
- One (1) Social Worker;
- One (1) Investigator (on a rotational basis);
- One (1) Office Coordinator (on a rotational basis);
- OPD has twelve (12) roster attorneys serving out of Allegan County.

OPD's Van Buren Office is staffed by:

- The Chief Public Defender (on a rotational basis);
- The Deputy Chief Public Defender (on a rotational basis);
- Three (3) Assistant Public Defenders;
- One (1) Law Clerk, to become an Assistant Public Defender
- One (1) Legal Assistant (assigned);
- One (1) Legal Assistant (on a rotational basis);
- One (1) Social Worker;
- One (1) Investigator (on a rotational basis);
- One (1) Office Coordinator (on a rotational basis);
- OPD has ten (10) roster attorneys serving out of Van Buren County.

OPD's Assistant Public Defenders are engaged in all manner of representation related to the litigation of criminal cases for indigent defendants. The Assistant Public Defenders conduct hearing preparation prior to all representation as well as conduct Arraignment Hearings, Probable Cause Conferences, Preliminary Examinations, Pretrials, Motion Hearings, Trials, Sentencing Hearings, Interlocutory Appeals, Probation Violation Show Cause Hearings, Probation Violations Hearings, as well as are instrumental in collecting all data related to OPD's MIDC Standards. OPD's Assistant Public Defenders have also been instrumental in implementing and refining OPD's Legal Internship Program through Michigan State University College of Law, and Indiana University.



OPD's Roster Attorneys are also engaged in all manner of representation related to the litigation of criminal cases for indigent defendants. The Roster Attorneys are responsible for the same litigation work as the Assistant Public Defenders, however they are not generally responsible for providing arraignment representation nor are they primarily responsible for significant data collection related to OPD's MIDC Standards.

OPD's Legal Assistants are responsible for the assignment of cases to the Staff and Roster Attorneys, which includes all administrative assignment support to the Staff and Roster attorneys. Additionally, the Legal Assistants provide litigation and administrative support for the Staff Attorneys related to the litigation of their cases. Moreover, OPD's Legal Assistants are significantly responsible for ensuring the collection and organization of MIDC data related to MIDC Standards. Finally, OPD's Legal Assistants are responsible for the first level of operational interaction with both OPD's stakeholders and OPD's clients.

OPD's Social Workers provide Holistic Defense support to indigent defendants as part of OPD's integrated, interdisciplinary defense team. OPD's Social Workers help OPD provide clients with, (a) Seamless access to services that meet legal and social support needs; (b) Dynamic, interdisciplinary communication; (c) Advocacy tied to an interdisciplinary skillset; and (d) a robust understanding of, and connection to, the Allegan and Van Buren communities. OPD's Social Workers are instrumental in client advocacy in partnership with OPD's Staff and Roster Attorneys; developing partnerships with various stakeholders related to Holistic Defense services; developing community outreach programs; as well as a myriad of other high level Holistic Defense services. OPD's Social Workers have also been instrumental in implementing and refining OPD's Social Worker Internship Program through Grand Valley State University, Hope College, Andrews University and Western Michigan University.

OPD'S Investigator provides professional investigative services to the Staff and Roster Attorneys accepting indigent defense cases in Allegan and Van Buren Counties. OPD's investigator provides Staff and Roster Attorneys with best practice investigative implementation; integrated defense training to allow OPD's Staff and Roster Attorneys the best opportunity to better identify those cases in need of investigative and expert assistance; engages in community outreach as part of the investigator's work in our communities; and is paramount in OPD developing effective working relationships with law enforcement organizations within our community. Additionally, OPD's investigator is an integral member of the West Michigan Regional Investigator's Association, which is a formalized group of investigators made up of investigators, Chief Public Defenders, and Deputy Chief Public Defenders from Public Defender's Offices throughout West Michigan and has tasked itself with, (1) strategic planning relating to investigative best practice initiatives throughout Michigan; (2) increasing funding and the availability of training opportunities for professional public defense investigators in West Michigan and across the State of Michigan; (3) increasing the understanding that public defense investigators are professional assets within an overall public defense team; and (4) working to increase relationships with public defense offices and public defense investigators across the State of Michigan to facilitate client centered and zealous representation of indigent defendants.

OPD's Staff, Roster Attorneys and their Staff have embraced OPD's view that we are a professional indigent defense law firm where indigent defendants will receive the highest level of representation available, regardless of a client's ability to pay. The embracing of this core principle is evidenced in the Staff, Roster Attorneys and their Staff's willingness to implement MIDC's Standards and engage in client centered representation of indigent defendants. Moreover, OPD's Staff, Roster Attorneys and their Staff have routinely sought out opportunities to engage in indigent defense reforms beyond the minimum standards, and worked to maximize the improvements that OPD has led in the overhaul of Michigan's Indigent Defense System. The leadership that OPD's Staff, Roster Attorneys and their Staff are providing in changing attitudes regarding indigent defense representation is generating a greater confidence in OPD and the criminal justice system in Allegan and Van Buren Counties as a whole.

As always, OPD expresses its most sincere appreciation and gratitude to all of the Office of the Public Defender's Staff and Roster attorneys and their Staff for their dedication and hard work. Without them, OPD would be unable to provide exceptional service to indigent clients and our community at large. I, the Staff, and the Roster Attorneys and their Staff are honored to serve the people of Allegan and Van Buren Counties in a manner that continues to build trust and confidence in OPD's representation of its clients.

# The Staff of the Office of the Public Defender



Chad Catalino  
Chief Public Defender



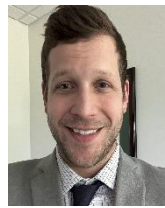
Manda Mitteer  
Deputy Chief Public Defender



Christopher Henry  
Assistant Public Defender



McKaylyn Mitrzyk  
Assistant Public Defender



Jordan Sayfie  
Assistant Public Defender



Dario Sierra  
Assistant Public Defender



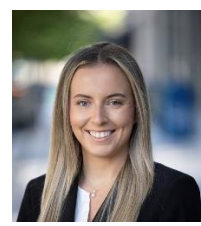
Mariah Silverstein  
Assistant Public Defender



Scott Jessen  
Assistant Public Defender



Tess Strasser  
Assistant Public Defender



Brittany Macaddino  
Law Clerk



**Whitney Gibson**  
Supervising Social Worker



**Julie Robbins**  
Office Coordinator



**Lacey Willsea-Honicutt**  
Legal Specialist



**Emily Feaster**  
Social Worker



**Mike Kalbfleisch**  
Investigator



**Sarah Bevins**  
Legal Specialist

## Roster Attorneys of the Office of the Public Defender

### Allegan

Matthew Antkoviak  
Christopher Burnett  
Richard Catalino  
Nick Dondzilla  
Fredrick Jensen  
Paul Klein  
Suzanne Klein  
Mike McEwen  
Michael McNerney  
Horia Neagos  
Jason Siffert  
Laurie Tange

### Van Buren

Richard Catalino  
Nichole Dunfield  
Caleb Grimes  
M. Zoe Hutchins  
Suzanne Klein  
James Kolosowsky  
Roland Lindh  
Horia Neagos  
Alexis Runowski  
Gary Stewart

OPD has contracted with twelve (12) Roster Attorneys who serve indigent defendants in Allegan County; a forty-two (42%) percent increase in available contracted Roster Attorneys in Allegan County compared to 2022. OPD has contracted with ten (10) Roster Attorneys in Van Buren County; a thirty (30%) percent increase in available contracted Roster Attorneys in Van Buren County compared to 2022. Roster Attorneys Richard Catalino, Suzanne Klein and Horia Neagos serve in a regional capacity in both Allegan and Van Buren Counties; a sixty-six (66%) percent increase in available contracted Roster Attorneys serving in a regional capacity compared to 2022.

Additionally, OPD continues to utilize Andis Sivikis, Michael Villar, and Richard Catalino to take on special case assignments as well as provide MIDC authorized mentoring to OPD's less experienced attorneys. These special case assignments have allowed OPD to manage the complications associated with high level felony litigation; provide case assignment relief to the rotational Roster Attorneys; and provide significant trial level litigation mentoring to those attorneys who have limited expertise in high level felony litigation.

As noted above, OPD has experienced perceptible increases of available roster attorneys through our recruitment efforts. While OPD continues to recruit through MIDC, regional bar associations, law schools, judges, attorneys, regional private law firms and OPD's cadre of former legal interns, OPD's word-of-mouth recruitment efforts appear to have provided significant recruitment dividends. OPD's conversations with current and newly contracted Roster Attorneys evidences that OPD's competitive compensation, easy to navigate Standard Operating Procedures, and supportive culture are the primary enunciated reasons that Roster Attorneys recommend that other attorneys throughout West Michigan seek opportunities to represent indigent defendants through the regional Office of the Public Defender, Allegan Van Buren Counties. OPD will continue to utilize all available resources to recruit and retain qualified, high level, indigent defense litigators to our community.

# HOLISTIC DEFENSE PROJECT

Prior to the development of the Office of the Public Defender, Allegan Van Buren Counties, Chad D. Catalino and Manda Mitteer were awarded a technical assistance grant through the Bronx Public Defender's Office's Holistic Defense Project. Through that technical assistance grant Chad D. Catalino and Manda Mitteer began implementing Holistic Defense in indigent defense cases in Muskegon Michigan. Upon becoming Director OPD, Chad D. Catalino, began implementing the Holistic Defense Model within the indigent defense system in Allegan and Van Buren Counties.

The four pillars of the Holistic Defense model include:

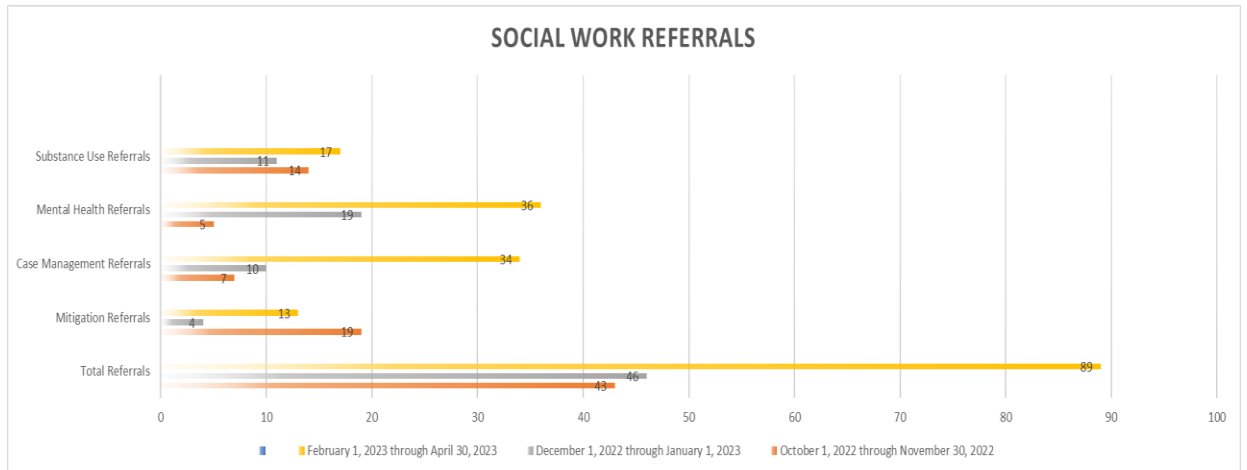
- (a) Seamless access to services that meet legal and social support needs
- (b) Dynamic, interdisciplinary communication;
- (c) Advocacy tied to an interdisciplinary skillset;
- (d) A robust understanding of, and connection to, the served community.

While it is difficult to objectively measure outcomes related to OPD's Holistic Defense Project, OPD's leadership has determined that OPD's most relevant operational Holistic Defense Model measurements are related to OPD's implementation of the four (4) pillars of Holistic Defense.

## *FOUR PILLARS OF HOLISTIC DEFENSE*

### Holistic Defense Pillar 1 – Seamless access to services that meet legal and social support needs.

	Total Referrals	Mitigation Referrals	Case Mgmt Referrals	Mental Health Referrals	Substance Use Referrals
October 1, 2022 through November 30, 2022	43	19	7	5	14
December 1, 2022 through January 1, 2023	46	4	10	19	11
February 1, 2023 through April 30, 2023	89	13	34	36	17



As it relates to Holistic Defense Pillar 1, OPD experienced a 51.6% increase in Social Work referrals in the six (6) months between October 1, 2022 and April 30, 2023. This increase evidences the fact that OPD’s Staff and Roster Attorneys are advocating regarding the interplay between their clients’ legal needs and their clients’ social support needs.

This advocacy has had a profound impact on individual clients. OPD has witnessed an increase in youthful offenders receiving the statutory benefit of HYTA. OPD has witnessed a decrease in defendants being remanded to the Michigan Department of Corrections. OPD has witnessed an increase in the courts more heavily utilizing sentences that allow defendants to utilize a myriad of substance use disorder (SUD) treatment facilities, facilities that were previously underutilized as treatment options. OPD has witnessed an increase in the use of probationary sentences as compared to incarceration sentences for eligible defendants. Finally, this advocacy has led the sentencing courts to be more fully appraised of a defendant’s current legal and social circumstances thereby allowing the sentencing courts to fashion a sentence that takes into account the defendant’s full circumstances and thus meet the courts’ statutory obligation that sentences be fashioned taking into account the individual needs of each individual defendant.

**Holistic Defense Pillar 2 – Dynamic, interdisciplinary communication.**

As OPD began implementing its Holistic Defense project, it became self-evident that this new way of practicing indigent defense law in Allegan and Van Buren Counties would require significant buy in from the Staff and Roster Attorneys. Those attorneys who had not previously practiced pursuant to this model had not had the time to build the experience necessary to fully realize the benefits of this Holistic Defense Model and its correlating impact on the client centered approach to practice. Moreover, those Staff and Roster Attorneys did not have the time to develop an understanding of the extent to which social workers were an integral part of developing helpful communication strategies with clients and the courts. As this became self-evident, it became incumbent upon OPD’s leadership to model this method of practice and continuously communicate how this method of practice would benefit indigent defense clients in Allegan and Van Buren Counties.

The above cited data objectively evidences the fact that the referenced modeling behavior and communication strategies have proved fruitful. The data objectively evidences that, as OPD has increased its communication strategies regarding the Holistic Defense Model, Staff and Roster Attorneys are more readily making beneficial referrals to OPD Social Workers, thereby directly benefitting OPD clients. The data objectively evidences the fact that OPD's in-house trainings that OPD's Social Workers have conducted; the Social Workers' visibility in the courthouses, the jails and with the clients; the Social Workers' availability to immediately discuss issues with the Staff and Roster Attorneys, have provided OPD Staff and Roster Attorneys with the requisite experience to better understand the beneficial impact that the Holistic Defense Model has upon an indigent defendant's overall representation. OPD will continue to utilize its available communication and modeling strategies to work to increase the benefits outlined in Holistic Defense Pillar 2.

### **Holistic Defense Pillar 3 – Advocacy tied to an interdisciplinary skillset.**

The Holistic Defense Model asks OPD's Staff, Staff Attorneys, Roster Attorneys and Social Workers to work to understand and apply each of the varying academic disciplines within OPD to the representation of our clients. The above cited data evidences the fact that OPD is making strides in the application of this Holistic Defense Pillar. Between October 1, 2022 and November 30, 2022, OPD Social Workers received only five (5) mental health referrals. That number increased to nineteen (19) mental health referrals between December 1, 2022 and January 1, 2023. A seventy-four (74%) percent increase in mental health referrals to OPD Social Workers during that period of time. Between February 1, 2023 and April 30, 2023 OPD Social Workers received a total of thirty-six (36) mental health referrals. An additional fifty-five (55%) percent increase in mental health referrals during that period of time. This objectively evidences the fact that OPD Staff and Roster Attorneys, are being trained to better identify a client's mental health issues and thus better identify how the interdisciplinary team of OPD Social Workers are able to locate and secure social services that may beneficially impact the client's legal representation.

Likewise, OPD Social Workers were engaged in the drafting and advocacy related to thirty-four (34) mitigation reports during the six (6) month period between October 1, 2022 and April 30, 2023. These mitigation reports are designed to provide the sentencing court with a more detailed legal and social analysis of a specific client's circumstances thereby providing the sentencing court with an increased ability to fashion an individualized sentence pursuant to the court's statutory obligations. The fact that OPD's Social Workers were engaged in this type of work on thirty-four (34) separate occasions during the outlined time frame objectively evidences the fact that OPD Social Workers are being trained to better identify the interplay between legal and social issues that may have an impact upon the sentencing court. This has allowed OPD Social Workers to be a more integral member of the interdisciplinary defense team and thus beneficially impact the client's representation.

While there is objective data evidencing that members of OPD are making strides in learning each of the varying academic disciplines within OPD, the data further suggests that there is room to improve in this realm. Specifically, there were decreases in two categories of referrals between October 1, 2022 and January 1, 2023. OPD leadership must continue to develop



communication strategies relevant to increasing OPD's members' utilization of interdisciplinary skill sets.

#### **Holistic Defense Pillar 4 -- A robust understanding of, and connection to, the served community.**

Holistic Defense Pillar 4 is derived from the realization that the advocate who most fully understands their client's community will be in a better position to provide that client with community resources thereby allowing the defense team to better advocate for a client's legal and social needs. OPD has undertaken the following community outreach projects in an effort to better connect with our community and to better connect our clients with needed and available legal and social services.

1. Quarterly meetings with Allegan County Health Department.
2. Quarterly meetings with OnPoint.
3. Supervising Social Worker joined the Multi-Agency Collaborative Council (MACC).
4. Collaboration with Allegan County Community Health Improvement Plan (CHIP), focusing on housing issues.
5. Member Allegan Overdose Fatality Review Board.
6. Partnership with OnPoint regarding Narcan kit distribution.
7. Partnership with The Red Project.
8. Partnership with Carole's Hope related to the Southwest Michigan Behavioral Health (SWMBH) SUD assessment processing, treatment and transportation assistance.
9. Christmas Drive in support of the Daily Recovery Zone, Van Buren County.
10. OPD's Supervising Social Worker is the Chairperson for the Michigan Public Defender's Social Worker workgroup.
11. Partnership with Grand Valley State University Social Work internship development department.
12. Partnership with Hope College Social Work internship development department.
13. Partnership with Andrews University Social Work internship development department.
14. Partnership with Western Michigan University Social Work internship development department.
15. Speakers at Cornerstone University's Social Work Round Table.
16. Speaker at Cornerstone University regarding Holistic Defense.
17. OPD Van Buren Social Worker partnership with MIDC's Research Director working to develop data collection best practice standards for public defense social workers.
18. Partnership with Daily Recovery Zone and Van Buren County Sheriff's Office to implement Narcotics Anonymous Meetings in the Van Buren County Jail.
19. In-house trainings presented to Staff.
20. In-house trainings presented to Roster Attorneys.
21. OPD conducted Holistic Defense Training for Michigan based Public Defender's Offices.
22. OPD conducted Holistic Defense Training for Colorado's State Public Defender Office.
23. OPD conducted Holistic Defense Training for New Mexico's State Public Defender.

24. OPD conducted Holistic Defense Training for Barristers in London England.

OPD will continue to seek out and participate in community outreach projects thereby allowing OPD members to better understand and participate in the community we serve. In turn, this will allow OPD additional opportunities to be more aware of existing resources and help develop resources that do not yet exist in order to meet the legal and social needs of our clients. OPD would like to thank our community partners for so readily working with OPD for the benefit of the underprivileged within our community. Additionally, OPD would like to thank OPD Supervising Social Worker Whitney Gibson, OPD Social Worker Emily Feaster, OPD Social Work Intern Sophie Lupini, OPD Social Work Intern Jenna Thornton, OPD Social Work Intern Morgan Roesler, and OPD Social Work Intern (Jacquelynn) Lynn Zehm for their tireless work in helping OPD continue to build its Holistic Defense Project thereby providing OPD clients with a more client centered and complete level of representation.

### **On-Going Issues.**

Holistic Defense requires OPD to be vigilant in its identification of legal and social issues affecting our communities. Holistic Defense requires OPD to work at the individual, court, community, state and federal levels to advocate for the legal and social needs of our clients in an effort to reduce recidivism and provide our clients with viable paths to return to the community subsequent to paying their debt to society for convicted behaviors. As OPD continues to build its Holistic Defense Project, OPD has identified on going issues of concern, which OPD will continue to work to address in the coming years.

1. Lack of transportation resources. A lack of transportation resources has a significantly determinantal impact on defendants' ability to engage in treatment, to meet probation obligations, and secure employment, thereby further impacting the criminal justice systems in Allegan and Van Buren Counties. For example, without transportation defendants are unable to attend community-based SUD treatment. If community-based SUD treatment is a condition of probation, then a failure to attend that treatment results in a probation violation. The probation violation results in a re-sentencing that potentially incurs additional incarceration, which also incurs additional expenses to the individual and the county. This impacts the defendant's ability to maintain employment, thereby reducing the ability of the defendant to pay restitution to a victim. Thus, the lack of viable transportation resources may have a lasting impact on the ability of a defendant to viably reintegrate into society and provide required restitution to the victim of their crime. This is an issue that OPD will continue to address.
2. Lack of housing resources. A lack of housing resources has a significantly determinantal impact on a defendants' ability to return to society as a productive citizen. Should a defendant return from jail without housing, the defendant often feels that a return to criminal behavior is necessary to meet their basic survival needs. Furthermore, as the defendant does not have housing, and thus no real connection to the community, there

is a lack of understanding of the societal impact of a defendant's behavior on their neighborhood, as they are not connected to a neighborhood. This in turn leads to probation violations, additional criminal charges and a cycle of incarceration with the attached lack of restitution to a victim. Thus, a lack of viable housing resources may have a lasting impact on the community's ability to reduce its crime and recidivism rate. This is an issue that OPD will continue to address.

3. Increasing Roster Attorney buy-in related to OPD's Holistic Defense project. While OPD has seen a significant improvement in the Roster Attorneys' practice of Holistic Defense, more work needs to be done. The modeling of the Holistic Defense practice needs to increase, which will demonstrate the positive impact that this method of practice has on indigent defense representation as well as the community as a whole. OPD's leadership needs to continue its communication campaign regarding the benefits of its Holistic Defense practice, which, again, will demonstrate the positive impact that this method of practice has on indigent defense representation as well as the community as a whole.

Overall, a mere four (4) years into implementing OPD's Holistic Defense Project in Allegan and Van Buren Counties, OPD has witnessed a myriad of benefits related to its Holistic representation of clients as well as to its community outreach programs. There appears to be significant support in the community related to OPD's Holistic Defense practice. However, there is more to be done. OPD will continue to develop its Holistic Defense Project in conjunction with its community partners and MIDC in an effort to increase its sustainability within our community for years to come.

## COMPLIANCE

In September 2019 OPD became fully operational. Over the course of the following four (4) years OPD, in conjunction with MIDC and County Administration, determined that OPD's most relevant operational measures related to OPD's compliance with MIDC standards. MIDC Standards 1 through 5 have been approved by LARA and OPD is in compliance with those standards. MIDC Standard "Indigency" has also been approved by LARA and OPD is in compliance with that Standard. MIDC Standards 6-8 are still proposed standards, however OPD has been in substantial compliance with proposed Standards 6-8 for the majority of its operational history. The remaining portion of this annual report is intended to provide insight into OPD's compliance and provide the Board of Commissioners, Stakeholders and our Community an opportunity to better understand OPD's compliance measurements.

# COMPLIANCE WITH APPROVED MIDC STANDARDS

## MIDC Standard 1 – Education and Training of Defense Counsel

### *MIDC Relevant Measurements:*

1. Knowledge of the law.
2. Knowledge of scientific evidence and applicable defenses.
3. Knowledge of technology.
4. Continuing education (12 hours of Continuing Legal Education)

### *OPD Compliance:*

- 2019: All Staff Attorneys and Roster Attorneys, except for one (1) Roster Attorney, met the twelve (12) hours of Continuing Legal Education requirement. Relating to the one (1) Roster Attorney who failed to comply with MIDC Standard 1, a corrective action plan was implemented and that Roster Attorney corrected the failure by January 31, 2020 and was reinstated.
- 2020: All Staff and Roster Attorneys met the 12 hours of Continuing Legal Education requirement.
- 2021: All Staff and Roster Attorneys met the 12 hours of Continuing Legal Education requirement.
- 2022: All Staff and Roster Attorneys met the 12 hours of Continuing Legal Education requirement.
- 2023: All Staff and Roster Attorneys are tracking to meet the 12 hours of Continuing Legal Education requirement and a substantial portion of our Staff and Roster Attorneys are tracking to exceed this minimum standard.

While MIDC Standard 1 calls for all attorneys accepting indigent defense cases to complete twelve (12) hours of Continuing Legal Education, the Staff and Roster Attorneys of OPD are routinely exceeding the minimum twelve (12) hours of Continuing Legal Education requirement. OPD Staff and Roster Attorneys have attended the following outside training programs:

MIDC Leadership Training Conference  
Criminal Defense Association of Michigan Conferences  
State Appellate Defender's Office trainings  
National Association of Public Defenders Conferences  
National Legal Aid & Defender Association trainings  
National Association of Drug Court Professionals trainings

## Intoxilyzer 9000 training

As a result of OPD's Staff and Roster Attorneys' dedication to meeting the requirements of MIDC Standard 1, OPD has witnessed a perceptible increase in the application of knowledge learned through these Continuing Legal Education opportunities whereby the Staff and Roster Attorneys are providing more relevant analysis of scientific, technological and legal issues arising in indigent defense cases. OPD has witnessed a perceptible increase in the filing of motions related to Daubert issues, and challenges to the Government's legal theories. These increases have led to more zealous and productive representation of indigent defendants.

Additionally, OPD's less experienced attorneys have participated in intensive trial training and basic skills classes, namely:

- Hillman Trial Advocacy Program
- Criminal Defense Association of Michigan Trial Training Program
- MIDC JAG Program
- OPD's In-House Trial Training Program

These intensive trial training and basic skills classes have afforded OPD's less experienced Staff and Roster Attorneys the opportunity to practice their litigation skills in an environment that will not negatively impact an indigent client. These intensive trial training and basic skills classes have also allowed OPD to advance its Staff and Roster Attorneys toward representing indigent clients in increasingly more complicated cases in shorter experiential time frames.

While OPD is dedicated to encouraging its Staff and Roster Attorneys to seek outside training opportunities, OPD is also dedicated to leading indigent defense training reform. This dedication to lead in indigent defense training reform has allowed OPD to seek out opportunities to utilize the collective experience of its Staff and Roster Attorneys to provide OPD "in-house" training opportunities for its Staff and Roster Attorneys, as well as attorneys within the MIDC West Region. In fact, OPD is extremely proud of the fact that many of its in-house trainings, presented by its attorneys and social workers, have been well attended by staff and roster attorneys and social workers associated with or employed by many other public defense systems across West Michigan. OPD's in-house trainings included:

- OPD's In-House Trial Training Program
- ARIDE / OWI training
- Social Work / Holistic Defense instruction
- Michigan Sentencing Guideline Training
- Allegan County Specialty Court Training
- Van Buren County Specialty Court Training
- Homicide Case Preparation Training
- West Michigan Regional Investigator's Association Trainings
- West Michigan Social Worker Group Training
- State Appellate Defender's Office Training

State Appellate Defender's Office Juvenile Training  
4<sup>th</sup> Amendment Training  
Criminal Defense Association of Michigan Evidentiary Issues and Trial Skills Training  
Westlaw Edge Training  
Adobe Pro Training  
Client Centered Representation Training

*Challenges:*

At the inception of OPD's operational role, many attorneys locally, as well as across the State, expressed concern regarding the perceived burden that MIDC Standard 1 would cause to attorneys who had previously never been accountable for maintaining and documenting a minimum level of professional competence. Over the preceding four (4) years that overall concern has dissipated significantly. However, OPD recognizes that, unless OPD remains vigilant in its accountability toward meeting its mandates, the indigent defense system will likely revert to less effective representation of indigent defendants. Consequently, OPD has implemented a MIDC Standard 1 accountability protocol to ensure that the progress that has been made continues. Specifically, related to MIDC Standard 1:

1. Staff or Roster Attorney identifies a training they would like to attend.
2. Staff or Roster Attorney submits request to Chief Public Defender for attendance approval.
3. Chief Public Defender approves or denies training attendance.
4. Staff or Roster Attorney attends training.
5. Staff or Roster Attorney completes and signs internal OPD training attendance verification form at the completion of training attendance.
6. Staff or Roster Attorney electronically submits that internal OPD training attendance form to OPD.
7. Staff or Roster Attorney electronically submits that OPD training form to MIDC through CEBroker.
8. OPD keeps that internal OPD training attendance form on file.
9. MIDC keeps that training attendance form on file.
10. No later than December 31, OPD reviews all OPD training attendance forms on file for the year to confirm compliance.
11. OPD receives and reviews report from MIDC and CEBroker to verify all compliance through multiple levels of checks and balances.
12. If there is a compliance failure, Staff or Roster Attorney is contacted and informed. Corrective action plan is implemented.
  - a. Any attorney that has compliance failure will have all current cases reassigned and no future assignments will be made until the CLE compliance is rectified.
13. Through the MIDC Quarterly Reporting process OPD's CLE compliance is communicated to MIDC.

## MIDC Standard 2 – Initial Interview

### *MIDC Relevant Measurements:*

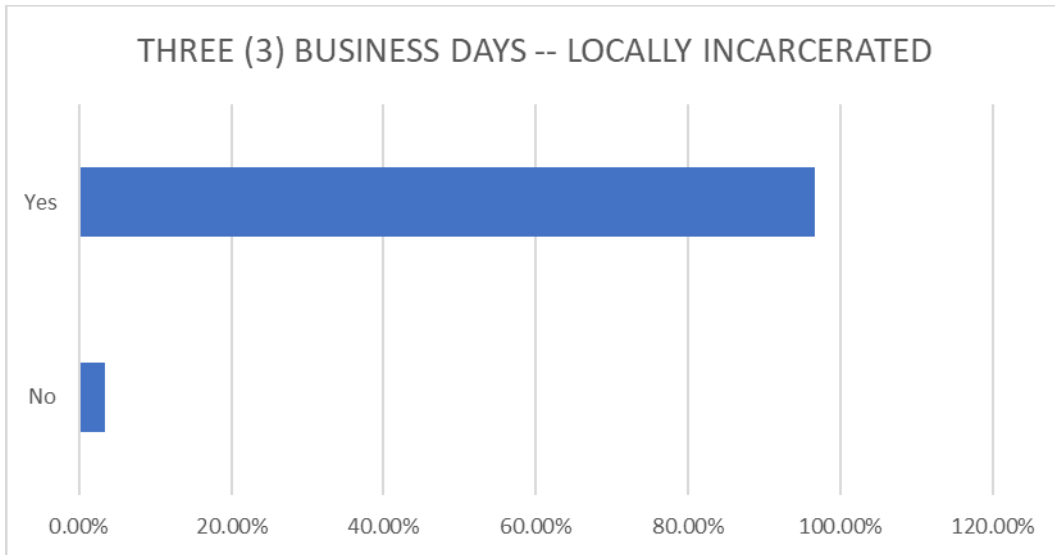
1. Initial Interview is conducted as soon as practicable after appointment, but minimally;
2. Defendant in local custody, initial interview shall be conducted within three (3) business days of appointment.
3. Defendant not in custody, counsel shall promptly deliver an introductory communication so that the client may follow-up and schedule a meeting.
4. Defendant in MDOC custody or detained in a different county, counsel should arrange for a confidential client visit in advance of the first pretrial hearing.

### *OPD Compliance:*

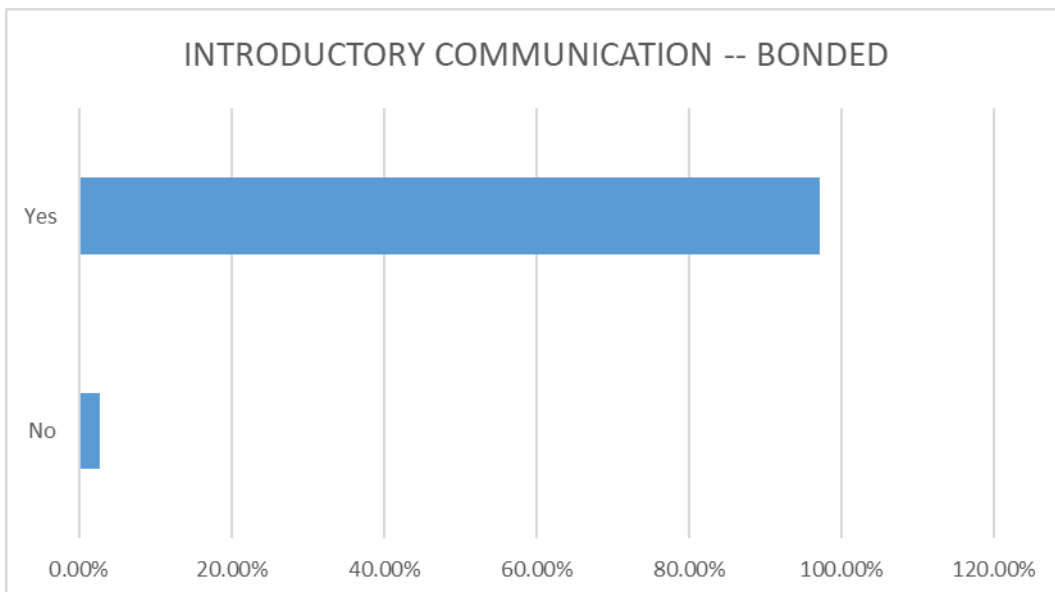
MIDC Standard 2 has been implemented to help alleviate the concern that indigent defense counsel was historically derelict in their duty to timely communicate with their indigent clients. Prior to Michigan's indigent defense reforms, indigent defense counsel's initial meeting with a client was routinely conducted at the client's pretrial hearing. This method of initial case interaction did not afford indigent defense counsel an opportunity to conduct any meaningful evaluation of a case; meaningfully inform clients of the procedural posture of their case or their place in the criminal justice system; explore potential factual or legal issues or problems; or otherwise provide the most effective representation available.

While many indigent defense attorneys, throughout the pre-reform years, attempted to provide the most effective representation available, it eventually became clear that initial meeting requirements were necessary to help indigent defendants more effectively navigate the criminal justice system. MIDC Standard 2 was implemented to provide specific guidance on how to alleviate this outlined concern as well as provide indigent defense systems opportunities to measure their progress toward compliance with these initial communication requirements.

From 2019 through 2023 OPD has complied with MIDC Standard 2 and implemented significant data tracking procedures to help OPD ensure that it is meeting its indigent clients at the earliest possible time in order to provide clients with relevant information and secure necessary evidentiary information that allows OPD to conduct proper investigations and vetting of the Government's allegations. The below cited data evidences OPD's compliance with the three (3) identified facets of MIDC Standard 2.



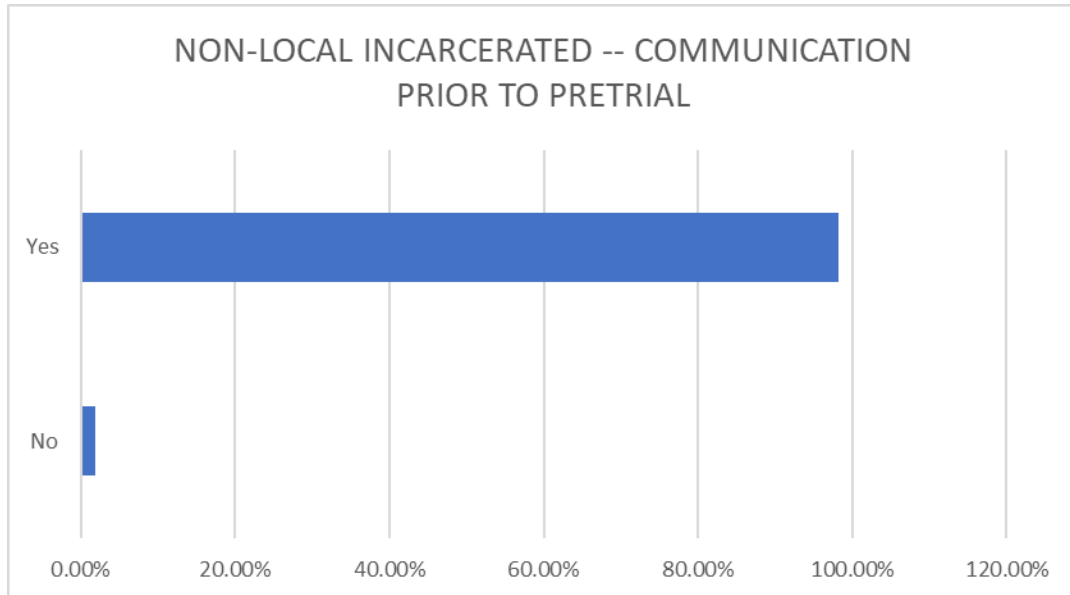
For locally incarcerated individuals OPD meets its three (3) business day initial meeting requirements on 96.6% of its assigned cases. This is an increase in compliance of .1% over 2022. At MIDC’s 2022 Annual Leadership Conference MIDC Executive Director Kristen Staley indicated that the State average related to MIDC Standard 2 is 96% compliance. Moreover, during that same presentation, Executive Director Staley indicated that MIDC considers this State average as complete compliance with Standard 2. Consequently, OPD is in complete compliance with Standard 2 related to locally incarcerated defendants.



For bonded individuals OPD meets its introductory communication requirement in 97.2% of its assigned cases. This is an increase in compliance of .5% over 2022. At MIDC’s 2022 Annual



Leadership Conference MIDC Executive Director Kristen Staley indicated that the State average related to MIDC Standard 2 is 96% compliance. Moreover, during that same presentation, Executive Director Staley indicated that MIDC considers this State average as complete compliance with Standard 2. Consequently, OPD is in complete compliance with Standard 2 related to introductory communications with bonded defendants.



For non-locally incarcerated individuals OPD meets its communication prior to initial pretrial in 98.2% of its assigned cases. This is an increase in compliance of .9% over 2022. At MIDC’s 2022 Annual Leadership Conference MIDC Executive Director Kristen Staley indicated that the State average related to MIDC Standard 2 is 96% compliance. Moreover, during that same presentation, Executive Director Staley indicated that MIDC considers this State average as complete compliance with Standard 2. Consequently, OPD is in complete compliance with Standard 2 related to introductory communications with non-locally incarcerated defendants.

*Challenges:*

As MIDC initially announced the implementation of MIDC Standard 2, many seasoned indigent defense professionals believed that MIDC Standard 2 was over burdensome and was impracticable in its application. Many seasoned indigent defense professionals insisted that implementing meeting timeframes would not solely allow for meaningful client conversations due to the fact that indigent defense counsel did not often receive timely discovery information or there were significant obstacles to receiving discovery information that would render the necessity of an early client meeting moot. These initial arguments, while potentially initially meritorious, have been in practice alleviated as a potential result of the Standard itself.

Specifically, there are several potential goals of MIDC Standard 2:

1. Establish the best possible relationship with the indigent client;
2. Review charges;
3. Determine whether a motion for pretrial release is appropriate;
4. Determine the need to start up any immediate investigations;
5. Determine any immediate mental or physical health needs or need for foreign language interpreter; and
6. Advise that clients should not discuss the circumstances of the arrest or allegations with cellmates, law enforcement, family or anybody else without counsel present.

It has now become evident that, even if there are discovery issues, the initial client meeting is just as important for building a client's confidence in their assigned attorney and providing a client assurance that their assigned counsel is working their case. Moreover, and maybe most importantly, the time pressures associated with Standard 2 in and of itself encourages assigned counsel to remedy discovery issues early on in the case thereby rendering the initial client meeting more productive. Additionally, throughout 2022 and 2023 OPD has conducted significant process meetings with the Allegan and Van Buren Prosecutor's Offices to address discovery issues. OPD is pleased to announce that, in partnership with the Allegan and Van Buren Prosecutor's Offices, OPD has witnessed a perceptible decrease in late discovery offerings, thereby increasing the benefits of MIDC Standard 2 meetings.

OPD recognizes that, unless OPD remains vigilant in its accountability toward meeting its mandates, the indigent defense system will likely revert to less effective representation of indigent defendants. Consequently, OPD has implemented a MIDC Standard 2 accountability protocol to ensure that the progress that has been made continues. Specifically, related to MIDC Standard 2:

1. Assignment made to Staff or Roster Attorney.
2. No later than the Monday at 12:00 noon following the assignment week, assigned attorney files an electronic form indicating compliance with MIDC Standard 2 related to the attorneys' weekly assignments.
3. Electronic form collects the following data:
  - a. Attorney Name.
  - b. Date range of assignments?
  - c. Total number of assignments?
  - d. Of the total number of assignments, how many were locally incarcerated clients?
  - e. Was the 72-hour standard met for all locally incarcerated clients?
  - f. If answer to above is NO, provide client name and brief explanation.
  - g. Of the total number of assignments, how many were bonded clients?
  - h. Were all bonded clients provided a prompt letter of introduction with instructions to schedule an appointment?
  - i. If above answer is NO, provide client name and brief explanation.
  - j. Of the total number of assignments, how many were MDOC or non-locally incarcerated clients?

- k. For all MDOC or non-local incarcerated clients, was the institution contacted to arrange for a confidential meeting in advance of first pretrial hearing?
  - l. If answer to above is NO, provide client name and brief explanation.
4. Chief or Deputy Chief Public Defender reviews electronic form on a weekly basis to ensure continued compliance.
5. If any compliance issues are identified the attorney is contacted and a corrective action plan is implemented.
6. Data is communicated to MIDC through the Quarterly reporting process.

### **MIDC Standard 3 – Investigation and Experts**

#### *MIDC Relevant Measurements:*

1. Investigation of charges and offense.
2. When appropriate, counsel to request funds to retain an investigator.
3. When appropriate, counsel shall request assistance of experts.
4. All reasonable requests shall be honored.
5. Counsel has continuing duty to evaluate for appropriate investigator or expert witness assistance.

#### *OPD Compliance:*

Prior to October 1, 2023, despite obtaining MIDC funding for a part time in-house investigator, OPD utilized a contractual investigator assignment system. OPD utilized this contractual investigator assignment system due to challenges associated with the recruitment of qualified individuals related to the part time nature of the in-house investigator position. Recognizing this recruitment problem, as well as recognizing that the data evidenced the fact that OPD's caseload demanded a full-time in-house investigator, OPD worked with MIDC and the Allegan and Van Buren County Administrators to secure funding in FY2023 to amend its compliance plan to transition the formally part time investigator position to a full-time investigator position. While this Compliance Plan modification required an additional funding allocation from MIDC, this additional funding allocation did not require any increase in the Counties' Local Share contributions, thereby having no direct negative financial impact on Allegan and Van Buren Counties' tax payers. MIDC approved this funding allocation and authorized OPD's Compliance Plan modification commencing October 1, 2023, the commencement of FY2023.

In January 2023 OPD hired its first full time in-house public defense investigator. OPD's full time in-house investigator, Michael Kalbfleisch, is a retired police officer, with twenty-six (26) years of law enforcement and investigative experience. The addition of a staff investigator to OPD has resulted in an increased level of investigative assistance related to OPD's caseload. OPD's investigator, since January 2023, has been involved in thirty-two (32) investigative case referrals. This is an increase of 78% in investigative case referrals since April 2022. It should be noted that this data reflects cases where formal investigations are being conducted, and does not account for service of process cases, routine case research, or other informal case investigation and

consultation services. Consequently, as a result of the increased access to investigative assistance, OPD Staff and Roster Attorneys are in a better position to evaluate their assigned cases from both a settlement and trial perspective. This increase in the use of investigative assistance has resulted in a number of cases being settled without the need for any costly court litigation time. A number of cases have resulted in negotiated settlements where the defendant is granted better access to all the information aligned against the defendant, thereby increasing the defendant's ability to properly evaluate their case and, again, reduce the need for costly court litigation time. This increase has allowed the Government the opportunity to be made aware of issues affecting the validity of the Government's own investigation, thereby providing the Government an opportunity to reevaluate their position and make appropriate dismissal decisions, thereby, also, reducing the need for costly court litigation time.

From a process standpoint, as part of OPD's operational compliance with MIDC Standard 3, OPD implemented a system that allows Staff and Roster Attorneys to be granted investigative and expert witness assistance related to their indigent case assignments. These investigative and expert witness assistance requests have been removed from the realm of judicial funding and oversight and now allows assigned counsel the opportunity to request investigative and expert witness assistance without detrimental impacts to case strategy and tactical decision making as well as concerns regarding underfunding. OPD is extremely proud that its MIDC Standard 3 Compliance planning has resulted in increases in the use of these necessary and constitutionally effective investigative and expert witness resources.

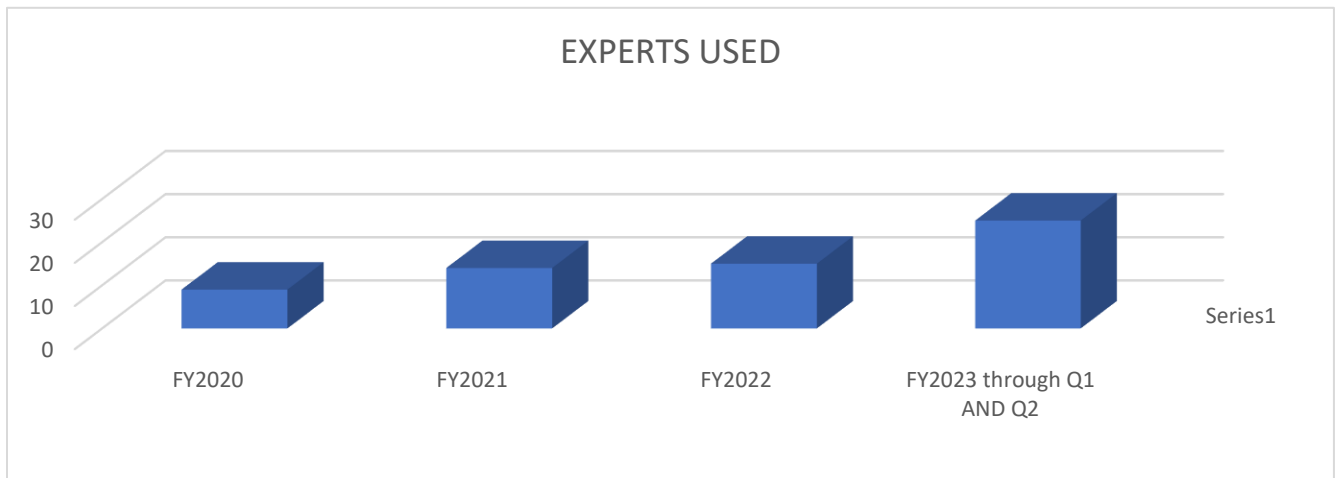


In FY2020 Staff and Roster Attorneys requested and were granted five (5) investigators to assist in the defense of indigent defense cases between Allegan and Van Buren Counties.

In FY2021 Staff and Roster Attorneys requested and were granted thirteen (13) investigators to assist in the defense of indigent defense cases between Allegan and Van Buren Counties.

In FY2022 Staff and Roster Attorneys requested and were granted twenty-five (25) investigators to assist in the defense of indigent defense cases between Allegan and Van Buren Counties.

FY2023, through Quarter 2, Staff and Roster Attorneys requested and were granted thirty-two (32) investigators to assist in the defense of indigent defense cases between Allegan and Van Buren Counties. If this trend continues, it is expected that there would be forty-eight (48) requested and granted investigators at the close of FY2023. An increased use of investigative services of 52%.



In FY2020 Staff and Roster Attorneys requested and were granted nine (9) expert witnesses to assist in the defense of indigent defense cases between Allegan and Van Buren Counties.

In FY2021 Staff and Roster Attorneys requested and were granted fourteen (14) expert witnesses to assist in the defense of indigent defense cases between Allegan and Van Buren Counties.

In FY2022 Staff and Roster Attorneys requested and were granted fifteen (15) expert witnesses to assist in the defense of indigent defense cases between Allegan and Van Buren Counties.

FY2023, through Quarter 2, Staff and Roster Attorneys requested and were granted twenty-five (25) expert witnesses to assist in the defense of indigent defense cases between Allegan and Van Buren Counties. A current increase of 60% over FY2022.

#### *Challenges:*

Prior to the Michigan Indigent Defense reforms, indigent defense attorney's experienced significant challenges associated with securing investigative or expert witness assistance within an

indigent defense case. Namely, indigent defense counsel would be required to petition the court for funding for investigative or expert witness assistance. The courts were generally underfunded related to providing the requested assistance and defense counsel often believed that courts took every opportunity available to deny indigent defense counsel's request. Moreover, as a result of being required to file a motion with the court related to investigative or expert witness assistance, indigent defense counsel was often required to explain in open court, with the prosecutor present, their trial and overall litigation strategy related to indigent defense counsel's request for investigative or expert witness assistance. This placed an indigent defendant at a disadvantage related to their litigation strategy, a disadvantage that was not one borne by their wealthy counterparts. MIDC Standard 3 has alleviated this overall disadvantage.

Over the past four (4) years OPD has worked diligently to overcome its Staff and Roster Attorneys' reluctance to request and use investigative and expert witness assistance, which was ingrained in many of OPD's Staff and Roster Attorneys through the processes employed during the pre-reform years. The above cited data evidences the fact that OPD's Staff and Roster Attorneys are beginning to recognize the value and the ease with which they may obtain investigative and expert witness assistance through the processes in place at OPD. In fact, OPD is extremely proud of the fact that over the preceding four (4) years, taking into account its fiscal responsibilities to Michigan tax payers, only one (1) request for investigative or expert witness assistance has ever been denied and that denial was alleviated with another process. OPD is proud of the fact that the data evidences an upward trend toward the better utilization of investigative and expert witness assistance. Finally, OPD is proud of the fact that it has been able to utilize MIDC funding to help place indigent defendants on the same level as their more wealthy counterparts. OPD will continue to encourage its Staff and Roster Attorneys to utilize MIDC Standard 3 over the ensuing years for the benefit of their indigent clients thereby adding to the legitimacy of the criminal justice system as a whole.

#### **MIDC Standard 4 – Counsel at First Appearance and Other Critical Stages**

##### *MIDC Relevant Measurements:*

1. Counsel appointed as soon as defendant determined to be eligible for indigent defense services.
2. Counsel appointed as soon as the defendant's liberty is subject to restriction by a judge or magistrate.
3. Counsel appears at arraignment.
4. Informed waiver of counsel.
5. Counsel appears at pre-trial proceedings, during plea negotiations, and other critical stages.

##### *OPD Compliance:*

Prior to the operational inception of OPD in September 2019, data regarding the appearance of counsel at first appearance (arraignment) and other critical stages is unavailable.

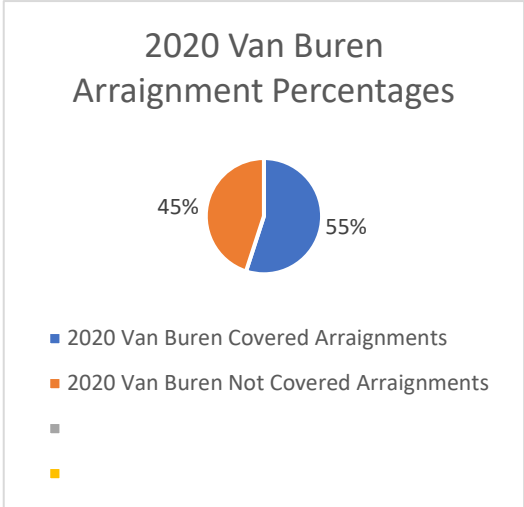
As part of OPD's operational compliance with MIDC Standard 4, OPD in close partnership with the courts and other stakeholders, implemented a system that allows OPD Staff Attorneys to represent defendants at arraignment and other critical stages thereby allowing indigent defendants the same access to pretrial and critical stage relief as those defendants who are able to retain counsel.

OPD's implementation of MIDC Standard 4 has allowed better client representation by maintaining focus on the purpose of that early representation at arraignment. Specifically:

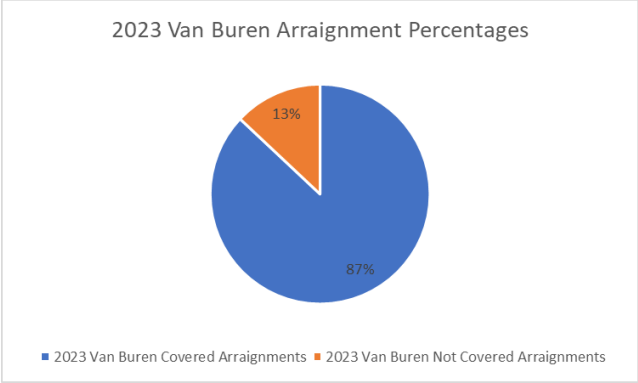
1. Explaining the criminal justice process to an indigent defendant;
2. Advice on what topics to discuss with the judge or magistrate at the arraignment;
3. A significant focus on arguments related to pretrial release;
4. Achievement of dispositions outside the criminal justice system via civil infraction or dismissal;
5. If there has been an opportunity for a review of discovery and a confidential conversation with the client, a criminal disposition at arraignment.

A focus on these arraignment goals has allowed OPD to make more relevant and legally significant bond arguments, thereby potentially reducing pretrial detention costs. It has allowed OPD to increase the use of early plea negotiations, thereby also potentially reducing pretrial detention costs as well as associated litigation costs. It has allowed OPD to have earlier access to client information thereby potentially reducing associated litigation costs. It has allowed OPD to have earlier access to witness information thereby increasing the effectiveness of early investigations. It has allowed the streamlining of the arraignment hearing itself with the associated court time savings; and it has allowed OPD attorneys the opportunity to build client confidence within the indigent defense representation thereby reducing defendants' historical complaint that they were not provided the effective assistance of indigent counsel.

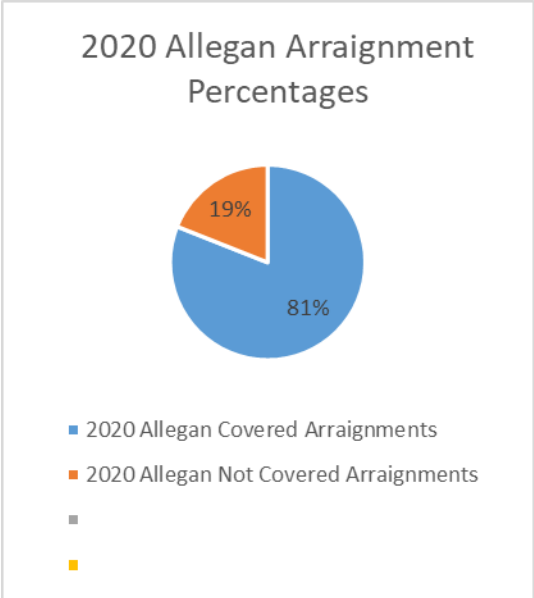
A comparison of OPD's initial arraignment coverage data, which commenced in 2020, evidences an increase in covered arraignments in Allegan County Courts of nine (9%). A comparison of OPD's initial arraignment coverage data, which commenced in 2020, evidences an increase in covered arraignments in Van Buren County Courts of thirty-two (32%) percent. Once again, these increases in covered arraignments allows OPD to confirm the above cited benefits on the Allegan Van Buren Counties' criminal justice system as a whole, and on OPD's clients individually.



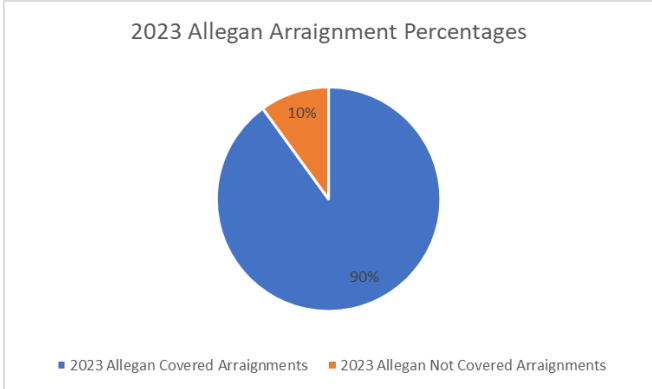
\*2020 – 55% of arraignments covered in VBCO



\*2023 87% of arraignments covered in VBCO – 32% increase in covered arraignments since 2020



\*2020 – 81% of arraignments covered in Allegan



\*2023 – 90% of arraignments covered in Allegan – 9% increase in covered arraignments since 2020

*Challenges:*

The compliance planning related to MIDC Standard 4 required intensive collaborative work between the Courts, Jail Administrations and OPD. In 2020 OPD, the Courts and Jail Administrations conducted significant collaborative planning relating to the potential operative procedures needed to implement the processes to meet MIDC Standard 4 compliance. In actuality, the implementation of MIDC Standard 4 required the building of a completely new arraignment process throughout the criminal justice system as that system had never contemplated the necessities of this reform. The above cited data for 2020 reflects the fact that representation at the arraignment stage was extremely challenging as OPD, the Courts and Jail



Administrators developed mutually acceptable methods regarding OPD's appearance at arraignment and compliance with MIDC Standard 4.

The above cited data for 2023 reflects that OPD and its regional partners have been able to make significant strides toward implementing a collaborative plan to meet OPD's mandate that it appear at all arraignments and be in compliance with MIDC Standard 4. While OPD, the Courts and Jail Administrations have made these significant strides, namely, implementing further initial arraignment jail meeting protocols, bonded initial arraignment meeting protocols, and other processes, there are still challenges ahead. One of the most significant challenges relates to "walk-in" arraignment procedures designed to allow citizens to turn themselves in and appear in court as quickly as is possible while balancing the need for OPD to have attorneys available to meet with these defendants and properly advise them regarding their rights and procedural protections. OPD will continue to work with its partners and MIDC to address these challenges and OPD looks forward to reaching the goal of representing 100% of defendants at arraignment.

### **MIDC Standard 5 – Independence from the Judiciary**

#### *MIDC Relevant Measurements:*

1. Guarantee the integrity of the relationship between lawyer and client.
2. Lawyers are free from political and undue budgetary influence.
3. Selection of lawyers and the payment for their services shall not be made by the judiciary or employees reporting to the judiciary.
4. Selection and approval of expenses necessary for providing effective assistance of defense counsel shall not be made by the judiciary or employees reporting to the judiciary.
5. The court's role shall be limited to its role as the third branch of government.
6. The courts are permitted and encouraged to contribute information and advice concerning the delivery of indigent criminal defense services.

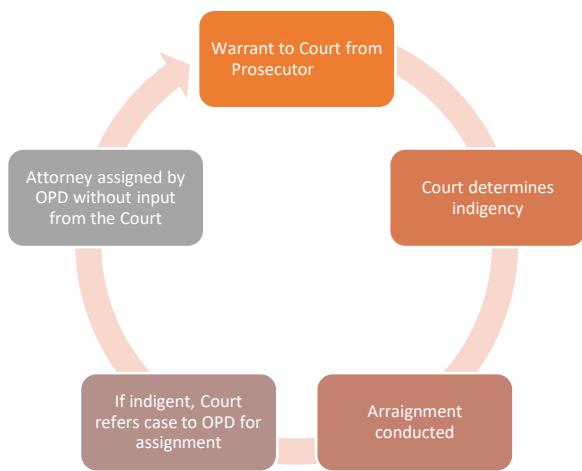
#### *OPD Compliance:*

One of the historical issues with the Michigan Indigent Defense system, prior to the Michigan Indigent Defense reforms, revolved around a process whereby assigned counsel was often vetted, hired and retained to perform indigent defense services at the sole discretion of an individual court, or at the sole discretion of a judicial panel. This prior system allowed judges to exercise supervisory authority over individually assigned counsel and thus exercise perceived supervisory authority over the manner with which assigned counsel handled individual cases or caseloads. Moreover, through this historical system, assigned counsel often felt significant pressure to conduct litigation in a manner that conformed to a court's ideas as compared to the performance of their litigation duties in conformance with effective assistance of counsel and Constitutional requirements.

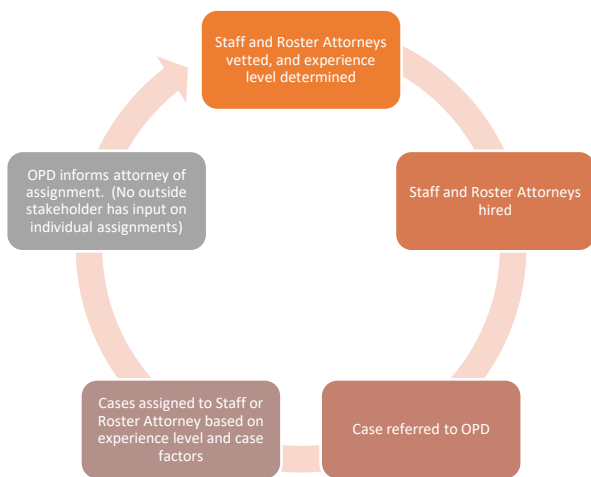
As a result of these recognized pressures, public defense professionals worked diligently

to establish norms and standards that would help alleviate the pressures placed on assigned counsel through the separation of the assignment of indigent defense counsel from court involvement and oversight. Finally, while some stakeholders had initial disagreement with the idea that the indigent defense system should be free from judicial oversight and influence, there were still many other courts, attorneys, prosecutors and stakeholders that understood the necessity of removing that oversight and were ultimately supportive of the idea that indigent defense counsel should be free from unnecessary court oversight and influence.

Fortunately, the Allegan and Van Buren County Courts and stakeholders have been some of the most progressive proponents regarding OPD being separate from the judicial branch and judicial oversight and influence. OPD is extremely grateful that the Allegan and Van Buren County Courts have supported OPD’s compliance operations related to MIDC Standard 5.



External Process: From 2019 through 2022 OPD has been solely responsible for the appointment of assigned counsel in compliance with MIDC Standard 5. This flow chart outlines the external assignment process and how that process is outside judicial oversight subsequent to the case being referred to OPD.



Internal Process: From 2019 through 2022 OPD has been solely responsible for the appointment of assigned counsel in compliance with MIDC Standard 5. This flow chart outlines the internal assignment process and how that process is outside judicial oversight subsequent to the case being referred to OPD.

As a result of OPD's compliance with MIDC Standard 5, OPD has been able to establish case assignment autonomy, thereby limiting the historical concerns related to outside oversight. OPD is extremely grateful to its partners for their support related to MIDC Standard 5 compliance.

### MIDC Standard for Determining Indigency

#### *MIDC Relevant Measurements:*

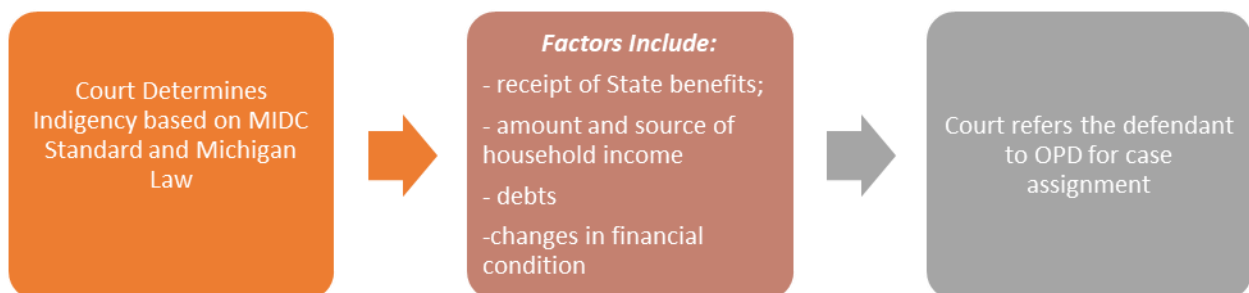
1. A reasonable plan for screening for indigency.
  - a. Courts screen for indigency and refer defendant to public defender for appointment; or
  - b. Public Defender screens for indigency and makes the case appointment.
2. Indigency screening factors to be considered.

#### *OPD Compliance:*

Prior to the Michigan Indigent Defense reforms, public defense professionals observed that there were discrepancies related to the actual determinations of a defendant's indigency based on jurisdictional differences. For example, historically there have been jurisdictions within Michigan that have been aggressive in their appointment of indigent defense counsel, while there have been other jurisdictions that have been much more conservative in their appointment of indigent defense counsel. The MIDC Standard for determining indigency has been designed to reduce these discrepancies and provide guidance for systems related to the appointment of indigent defense counsel.

From, OPD's inception in 2019 until October 2023, in collaboration with the Courts, OPD has met MIDC compliance with this Standard whereby the Courts conducted the screening for indigency and referred the defendant to OPD for appointment of counsel.

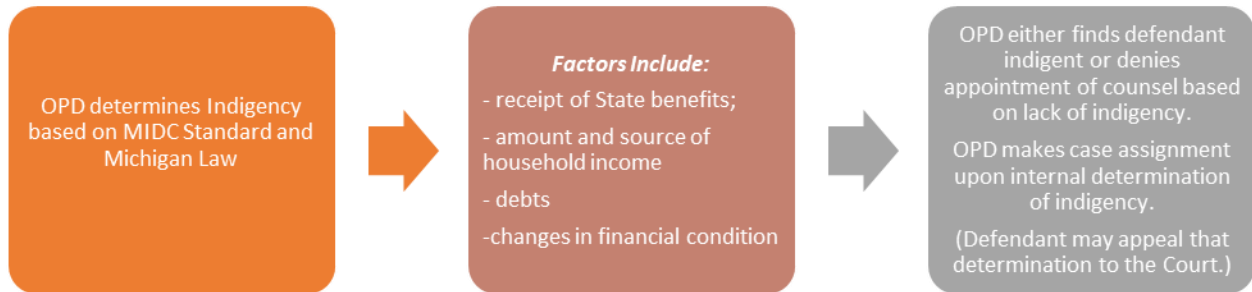
### **2019 THROUGH September 2023 PROCESS:**



Following significant work with the Allegan and Van Buren County Courts, Jail Administrations, MIDC and other stakeholders, in October 2023 OPD launched an updated process that has removed the indigency screening responsibilities from the Courts and placed that responsibility within OPD's internal processes. This has reduced time allocations necessary for the

Courts toward this process; reduced job responsibilities for the Courts' staffs; has reduced the local costs of this responsibility on the Counties; increased operational efficiency related to the assignment of attorneys to indigent defendants; and has allowed OPD to gain increased initial contact with its potential clients thereby allowing for defendants' increased confidence regarding OPD's representation.

### 2023 PROCESS:



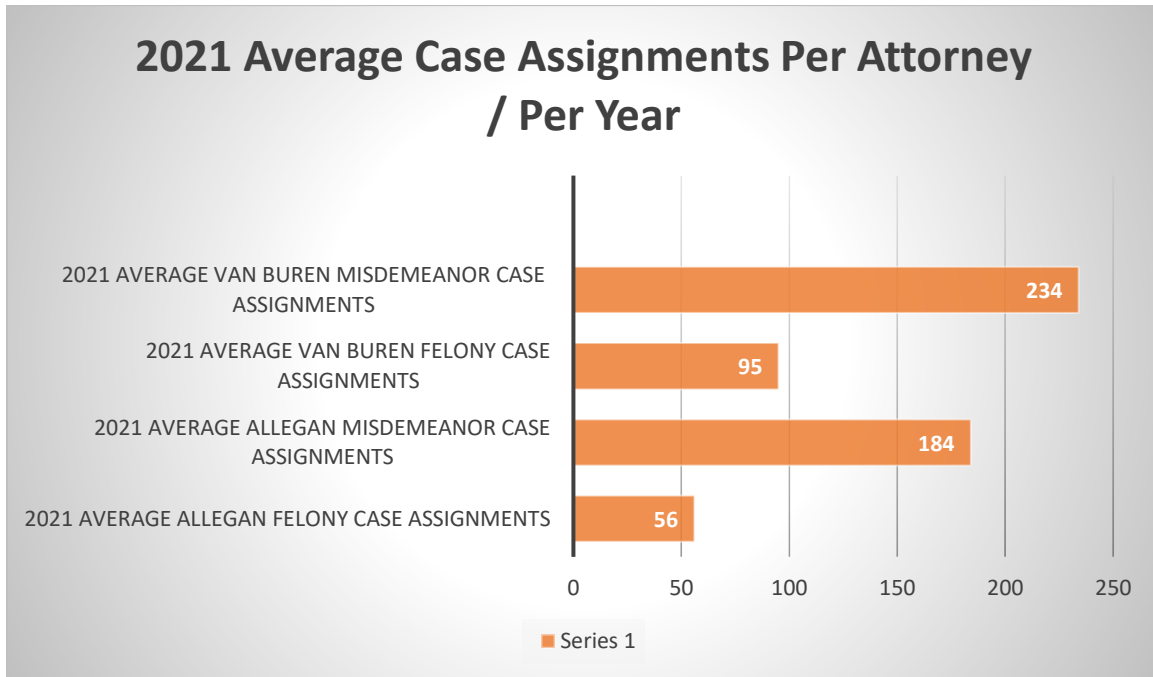
## COMPLIANCE WITH PROPOSED MIDC STANDARDS

### MIDC Standard 6 – Indigent Defense Workloads

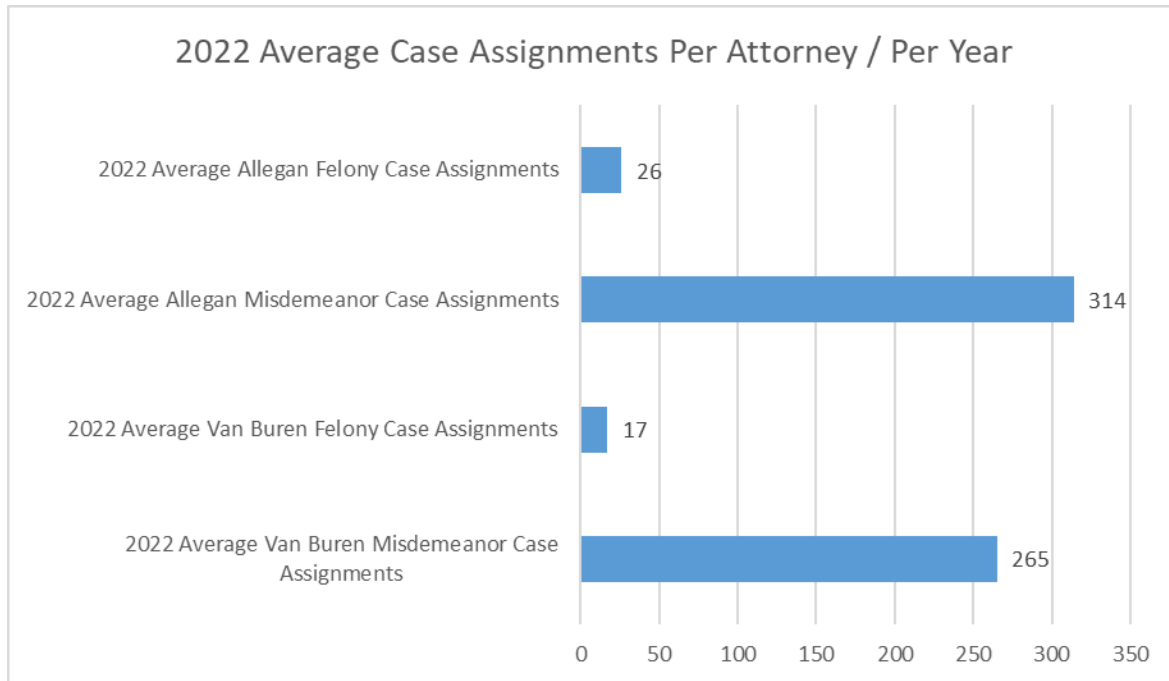
#### *MIDC Relevant Measurements:*

1. Caseloads shall allow each attorney the ability to give each client the time and effort necessary to ensure effective representation.
2. Workloads shall be determined over time through special “Michigan specific weighted caseload studies.”
3. Until the completion of said studies, caseload assignments are recommended as follows:
  - a. Not exceed 150 new felony assignments per year.
  - b. Not exceed 400 new non-traffic misdemeanors per year.
  - c. Mixed caseloads, proportional to allow effective representation.

OPD Compliance:



\*Case assignment numbers reflect total number of cases for 2021 (from internal OPD data) divided by number of staff and roster attorneys accepting those assignments to determine the average number of assignments per attorney in 2021.



\*Case assignment numbers reflect total number of cases for 2022 (from internal OPD data) divided

by number of staff and roster attorney accepting those assignments to determine the average number of assignments per attorney in 2022.

\*\*Please note that OPD implemented a new case management system in 2022 and it is anticipated that some case number data may have been inaccurately recorded due to process training issues.

A review of 2021 and 2022 internal data reflects that OPD is within the allowable case assignment recommendations as enunciated through MIDC proposed Standard 6. While case assignment data appears to reflect compliance with MIDC proposed Standard 6, OPD will be engaging in additional study related to MIDC proposed Standard 6 as OPD day to day operations potentially indicates a discrepancy related to this case assignment data versus OPD's Staff and Roster Attorneys work levels.

While OPD will engage in additional study related to MIDC proposed Standard 6, OPD has implemented other MIDC proposed Standard 6 operational measures in an effort to allow OPD Staff and Roster Attorneys the ability to provide effective assistance of counsel. Specifically:

1. OPD has utilized its flexibility in its case assignment processes to assign more work intensive cases to Staff and Roster Attorneys who are in a better workload position to take on those more work intensive cases.
2. OPD has increased assignment communications thereby allowing Staff and Roster Attorneys to inform OPD when they are experiencing an overwhelming assignment period.
  - a. This in turn has allowed OPD to make modifications to its assignment schedule to help alleviate these concerns; and
3. OPD has developed a Homicide Team to help alleviate the intensity of accepting homicide cases while also accepting regular rotational assignments.

OPD is hopeful that the continued review of its data, combined with its case assignment scheduling, will allow OPD's indigent defense counsel continued opportunity to practice within lower case numbers and thereby allow OPD's indigent defense counsel the ability to engage in the entirety of the necessary criminal investigation and litigation processes associated with effective representation.

### **MIDC Standard 7 – Qualification and Review**

#### *MIDC Relevant Measurements:*

1. Defense counsel's ability, training and experience match the nature and complexity of the case to which they are appointed.
2. Defense counsel is systematically reviewed at the local level for efficiency and for effective representation according to MIDC standards.

#### *OPD Compliance:*

As has been previously outlined, prior to the Michigan Indigent Defense reforms, there

were significant issues related to the appointment and oversight of assigned counsel. As a result of these issues, many indigent defendants did not receive indigent defense counsel that had the requisite knowledge, experience and expertise needed to provide indigent defendants with effective representation. MIDC proposed Standard 7, in conjunction with other MIDC Standards, has been proposed for implementation in order to help alleviate this concern.

Due to the importance of ensuring an effective level of representation OPD has taken significant steps to implement MIDC proposed Standard 7. Specifically:

- OPD Staff and Roster Attorneys handling Misdemeanor cases have:
  - Met Michigan Bar Admission standards;
  - Basic Skills requirements; and
  - Have served as co-counsel or second chair in prior criminal trials, or gained equivalent experience.
- OPD Staff and Roster Attorneys handling Low Severity Felony cases have:
  - Met Michigan Bar Admission standards;
  - Basic Skills requirements; and
  - Have practiced criminal law for one (1) full year;
  - Have served as trial counsel or co-trial counsel in two (2) criminal cases that have reached a verdict; or gained equivalent experience.
- OPD Staff and Roster Attorneys handling High Severity Felony cases have:
  - Met Michigan Bar Admission standards;
  - Basic Skills requirements; and
  - Have practiced criminal law for two (2) full years;
  - Have served as lead counsel or handled a significant portion of four (4) jury trials that have been submitted to a jury; or gained equivalent experience and demonstrated a record of consistently high quality criminal trial court representation with the ability to handle high severity felony cases.
- OPD Staff and Roster Attorneys handling Life Offense cases have:
  - Met Michigan Bar Admission standards;
  - Basic Skills requirements; and
  - Have practiced criminal law for five (5) full years
  - Have served as lead counsel in no fewer than seven (7) felony jury trials that have been submitted to a jury; or gained equivalent experience and demonstrated a record of consistently high quality criminal trial court representation with the ability to handle Life Offense felony cases.

OPD is pleased to announce that, over the past several years, OPD's Staff and Roster Attorneys have significantly increased their level of trial experience. Many of OPD's Staff and Roster Attorneys have had the experience of trying more than five (5) jury trials in the previous several years. Moreover, with MIDC approval, OPD has utilized its homicide specific counsel to provide OPD's Staff and Roster Attorneys with mentoring through the ability to act as co-counsel and second chair counsel on the most significant type of criminal case. This mentoring by experienced homicide counsel provides significant levels of cross over training for lower level cases

thereby increasing OPD's ability to increase its Staff and Roster Attorneys' equivalent experience levels. This in turn, has allowed OPD to place itself in a position to increase its attorneys' level related to the complexity of their assignments over a shorter experiential time frame.

OPD looks forward to continuing to lead in the adaptation of its training processes to provide its Staff and Roster Attorneys with the opportunity to gain criminal trial experience and thereby increase the level of effective representation over shorter periods of time.

### **MIDC Standard 8 – Attorney Compensation (Economic Disincentives or Incentives)**

#### *MIDC Relevant Measurements:*

1. Reasonable salaries and benefits and resources should be provided to indigent defense counsel.
2. Roster counsel should receive prompt compensation at a reasonable rate and should be reimbursed for their reasonable out of pocket, case related expenses.
  - a. Activities outside of court appearances, such as directing an investigation, negotiating, or tactical planning, etc., require no less legal skill and expertise than in court appearances, and are equally important to quality representation.
3. Attorney hourly rates shall be at least:
  - a. \$100 per hour for misdemeanors;
  - b. \$110 per hour for non-life offense felonies;
  - c. \$120 per hour for life offense felonies.

#### *OPD Compliance:*

Currently, OPD meets MIDC Standard 8 as follows:

- Staff Attorneys – compensated in accordance with prosecutor parity and based on wage studies of comparable systems.
- Roster Attorneys –
  - \$100 per hour misdemeanors
  - \$110 per hour low severity felonies (Sentencing Grid E, F, G, H)
  - \$120 per hour high severity felonies (Sentencing Grid, M, A, B, C, D)

Anticipated FY2024 OPD compliance with MIDC Standard 8:

- Staff Attorneys – compensated in accordance with prosecutor parity and based on wage studies of comparable systems.
- Roster Attorneys –
  - \$125 per hour misdemeanors
  - \$135 per hour low severity felonies (Sentencing Grid E, F, G, H)
  - \$145 per hour high severity felonies (Sentencing Grid M, A, B, C, D)

While a review of OPD's process evidences the fact that OPD is meeting MIDC proposed



Standard 8, between 2019 and 2023 OPD’s Roster Attorneys have received no increase in the hourly rate of compensation. Moreover, there has been no increase in Roster compensation amounts related to cost-of-living increases, or accounting for inflationary issues. This has contributed to OPD’s difficulty in recruiting qualified roster attorneys as roster attorney compensation amounts in Grand Rapids and Kalamazoo have increased over the past several years. The anticipated FY2024 increases in Roster Attorney compensation are in parity with systems located in Grand Rapids and Kalamazoo, thereby potentially placing OPD in a better position to recruit talented and qualified attorneys from those population centers while allowing for OPD to better retain its current roster of qualified attorneys. Moreover, this anticipated increase in roster attorney compensation will allow OPD to better address cost of living and inflationary issues borne buy roster attorneys. Finally, this anticipated increase in roster attorney compensation will have no negative direct funding impact on the residents of Allegan and Van Buren Counties as this increase will be funded through an increase in OPD’s MIDC grant allocation without any corollary increase to Allegan and Van Buren Counties’ local share contribution.

## MIDC FINANCIAL COMPLIANCE

OPD’s expense budget and FY2022 expenditures:

	<i>AMOUNT</i>	<i>PERCENT</i>
<b>2022 Expense Budget</b>	<b>\$2,662,839.98</b>	100%
Q1 Expenditures	\$703,085.45	26.4%
Q2 Expenditures	\$709,080.86	26.6%
Q3 Expenditures	\$761,654.41	28.6%
Q4 Expenditures	\$794,349.53	29.8%

OPD expended \$2,968,170.25 in FY2022. This was a budget overage of \$305,330.27. While OPD experienced a budget overage in FY2022, OPD experienced a significant increase in high level cold case responsibilities in FY2022. Moreover, in FY2022 OPD experienced an increase in “Juvenile Lifer” appeals, pursuant to unanticipated rulings from the Michigan Court of Appeals and the Michigan Supreme Court, that OPD was required to fund in order to comply with the Michigan Supreme Court’s rulings. As these additional unanticipated costs became known costs, OPD contacted and collaborated with MIDC and submitted reimbursement requests for these unanticipated costs. Ultimately, MIDC reimbursed Allegan and Van Buren Counties for the full costs of these unanticipated additional costs, thereby removing OPD’s deficit and fully funding OPD’s FY2022 budgetary costs. Finally, neither the unknown costs nor funding reimbursements required either Allegan or Van Buren County tax payers to incur any additional expenses.

OPD's FY2023 expense budget is:

	<i>AMOUNT</i>	<i>PERCENT</i>
<b>2023 Expense Budget</b>	<b>\$4,086,080.08</b>	100%
Q1 Expenditures	\$841,201.74	20.6%
Q2 Expenditures	\$1,076,091.30	26.3%

OPD's FY2023 MIDC Grant allocation was approximately \$1,423,240.10 dollars more than its FY2022 allocation. OPD's FY2023 MIDC Grant allocation reflects operational corrections that were not originally anticipated or required further understanding; reflect case assignment increases that were not able to be absorbed with current staffing levels; reflect operational challenges that needed to be addressed; and reflect additional collaborative work with MIDC and County Administration to address the potentiality for budgetary shortfalls. As the current reporting reflects, through six (6) months of FY2023, OPD is currently on budget, having spent 46.9% of its FY2023 budget. This places OPD squarely within Allegan County's goal to remain fiscally sound and on budget. Additionally, OPD's FY2023 MIDC Grant allocation incurred **NO** additional local share contribution.

## LOOKING FORWARD

OPD wishes to be a leader in Michigan Indigent Defense reform and the application of standards, policies and procedures that allow OPD the opportunity to lead in those reformation efforts. Over the course of the next year OPD will continue to partner with MIDC, stakeholders and County Administration in an effort to increase efficiency, client representation, fiscal responsibility, and systemic viability. OPD looks forward to working with its partners and stakeholders to continue to build trust and confidence in the indigent defense system in Allegan and Van Buren Counties.

Finally, OPD looks forward to continuing to improve the quality of indigent defense services for the benefit of the citizens of Allegan and Van Buren Counties.

Drafted by:  
Chad D. Catalino  
Chief Public Defender  
Office of the Public Defender  
Allegan Van Buren Counties

Drafting support by:  
Manda Mitteer  
Deputy Chief Public Defender  
Office of the Public Defender  
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Julie Robbins  
Office Coordinator  
Office of the Public Defender  
Allegan Van Buren Counties

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

**FINANCE - CLAIMS & INTERFUND TRANSFERS**

**WHEREAS**, Administration has compiled the following claims for 7/21/23 and 7/28/23; and

**WHEREAS**, the following claims, which are chargeable against the County, were audited in accordance with Section 46.61 to 46.63, inclusive, M.C.L. 1970 as amended and resolutions of the Board; and

**WHEREAS**, said claims are listed in the 2023 Claims folder of the Commissioners' Record of Claims.

July 21, 2023

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund - 101	210,153.12	210,153.12	
Parks/Recreation Fund - 208	921.71	921.71	
Friend of the Court - Cooperative Reimb. - 215	390.06	390.06	
Health Department Fund - 221	16,426.26	16,426.26	
Solid Waste/ Recycling - 226	87,672.30	87,672.30	
Indigent Defense Fund - 260	430,398.60	430,398.60	
Central Dispatch Fund - 261	373.92	373.92	
Grants - 279	2,329.01	2,329.01	
Sheriffs Contracts - 287	5,926.64	5,926.64	
Transportation Fund - 288	106.00	106.00	
Child Care Fund - 292	4,094.22	4,094.22	
Veterans Relief Fund - 293	1,777.74	1,777.74	
Senior Services Fund - 298	110,758.88	110,758.88	
Capital Improvement Fund - 401	92,782.07	92,782.07	
CIP - Youth Home Building Fund - 492	1,500.00	1,500.00	
Property Tax Adjustments - 516	425.35	425.35	
Tax Reversion - 620	300.00	300.00	
Tax Reversion 2018 - 629	1,233.00	1,233.00	
Revolving Drain Maintenance Fund - 639	45.07	45.07	
Fleet Management / Motor Pool - 661	14.39	14.39	
Self-Insurance Fund - 677	479.19	479.19	
Drain Fund - 801	4,342.92	4,342.92	
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>\$972,450.45</b>	<b>\$972,450.45</b>	

July 28, 2023

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund - 101	97,938.25	97,938.25	
Friend of the Court - Cooperative Reimb. - 215	1,075.74	1,075.74	
Health Department Fund - 221	84,937.79	84,937.79	
Solid Waste/ Recycling - 226	140.00	140.00	
Animal Shelter - 254	6,830.00	6,830.00	
Central Dispatch Fund - 261	2,826.36	2,826.36	
Local Corrections Officers Training Fund - 264	266.60	266.60	
Justice Training Fund - 266	400.00	400.00	
Crime Victims Rights Grant - 280	3,750.00	3,750.00	
Sheriffs Contracts - 287	196.76	196.76	
Transportation Fund - 288	1,625.48	1,625.48	
Child Care Fund - 292	12,487.11	12,487.11	
Veterans Relief Fund - 293	56.58	56.58	
Senior Services Fund - 298	90,075.34	90,075.34	
Capital Improvement Fund - 401	98,950.05	98,950.05	
Property Tax Adjustments - 516	3,091.75	3,091.75	
Self-Insurance Fund - 677	23,302.70	23,302.70	
Drain Fund - 801	32,349.18	32,349.18	
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>\$460,299.69</b>	<b>\$460,299.69</b>	

**THEREFORE BE IT RESOLVED** that the Board of Commissioners adopts the report of claims for 7/21/23, 7/28/23, and interfund transfers.

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

**BOARD OF COMMISSIONERS—APPOINT CONSERVATION DISTRICT BOARD LIAISON**

**WHEREAS**, the Board of Commissioners (Board) is seeking to have a county board liaison serve on the Allegan Conservation District Board; and

**WHEREAS**, the liaison would be appointed by the Board and be present for District Board meetings with the opportunity for full participation in discussion and would keep the Board aware of the District Board's business; and

**WHEREAS**, the liaison would not be a voting member of the District Board; and

**WHEREAS**, the County understands that the Conservation District has welcomed this role, and based on a legal review of the position, it is consistent with applicable statutes.

**THEREFORE BE IT RESOLVED**, the Board appoints Commissioner Storey as County Board Liaison to the District Board for the remainder of his existing term as Commissioner; and

**BE IT FINALLY RESOLVED** that this District Board must be added to the County's Boards & Commissions roster and subject to Board Rules.

## S T A T E O F M I C H I G A N

## BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

**TRANSPORTATION - ADOPT TRANSPORTATION TITLE VI PLAN**

**WHEREAS**, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance, and specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d); and

**WHEREAS**, no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.A; and

**WHEREAS**, in June 2009 the Allegan County Transportation Department developed and implemented a Title VI Plan to guide the Department in administration and management of Title VI related activities; and

**WHEREAS**, the Michigan Department of Transportation (MDOT) and the Federal Transit Administration (FTA) now require that a Title VI Plan be updated with current Census data and adopted by the governing board of each transit agency; and

**WHEREAS**, the Allegan County Transportation Title VI Plan as presented has been updated and approved by MDOT.

**THEREFORE BE IT RESOLVED** that the Board of Commissioners (Board) hereby approves and adopts for all County transit operations the Allegan County Transportation Title VI Plan as presented.



ALLEGAN COUNTY  
REQUEST FOR ACTION FORM

Date: 7/13/2023

Request Type Routine Items  
Department Requesting Transportation  
Submitted By Whitney Ehresman  
Contact Information wehresman@allegancounty.org / ext 2902

Description

Every three years, the Federal Transit Administration and the Michigan Department of Transportation requires all agencies receiving federal funding to update their agency Title VI plans. This policy was previously reviewed by legal and approved by the Board of Commissioners in 2021. The new policy includes updated information on Limited English Proficiency (LEP) individuals. Since the 2020 census data was formally released in May 2023, the Federal Transit Administration required agencies to update their Title VI plans to include information on LEP specific to the population residing within the service area. The attached plan now includes this updated information, using five-year averages from the 2021 American Community Survey (ACS). In addition to the updated information on LEP and demographics, the plan includes the following modifications from the 2021 plan:

- Updated outreach strategies since the last plan was approved;
- Appendix C - Title VI complaint form - the form was updated for consistency to match the template provided by MDOT for plan revisions;
- Individuals alleging a Title VI complaint now have 180 days from the initial date of the complaint to file a formal Title VI complaint with our office or the Federal Transit Administration. Previously, the policy was 30 days. The change to 180 days is a required change to ensure our agency is maintaining compliance with 2023 guidelines at a state and federal level.

We are requesting the Board of Commissioner's approval of the revised Title VI plan.

The approved plan is due to the Michigan Department of Transportation on Aug 1, if possible. Thank you.



**ALLEGAN COUNTY  
POLICY**



**TITLE:** Title VI  
**POLICY NUMBER:** FS-001  
**SERVICE AREA:** Allegan County Transportation  
**EFFECTIVE DATE:** December 11, 2014  
**APPROVED BY:** Allegan County BOC  
Michigan Dept. of Transportation  
**REVISED BY:** Transportation Director  
**REVISED DATE:** July 27, 2023  
**TYPE OF ACTION:** MDOT/FTA Compliance

**1. PURPOSE:**

All agencies receiving federal funds through the Michigan Department of Transportation, Office of Passenger Transportation, must have an approved Title VI Program. This program should be developed in accordance with the Federal Transit Administration's Title VI Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients", or any updated circular thereafter.

**2. SERVICE AREA(s) AFFECTED:**

Allegan County – Transportation Services

**3. DEFINITIONS:**

**MDOT – Michigan Department of Transportation**  
**FTA – Federal Transit Administration**  
**OPT – Office of Passenger Transportation**  
**ACT – Allegan County Transportation**

## **LEP – Limited English Proficiency**

**Title VI - Title VI, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.**

### **4. POLICY:**

#### **Plan Statement**

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

Allegan County Transportation, is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B.

This plan was developed to guide Allegan County Transportation in its administration and management of Title VI-related activities.

#### **Title VI Coordinator Contact Information:**

Allegan County Transportation  
ATTN: Transportation Director  
750 Airway Drive Allegan, MI 49010  
(269) 686- 4529  
transportation@allegancounty.org

#### **Title VI Dissemination**

Title VI information posters (see Appendix G) shall be prominently and publicly displayed in the Allegan County Transportation facility and on their revenue vehicles. The name of the Title VI coordinator is posted and available at 750 Airway Drive Allegan, MI and [allegancounty.org/transportation](http://allegancounty.org/transportation) under policies. Additional information relating to nondiscrimination obligation can be obtained from the Allegan County Transportation Title VI Coordinator.

Nondiscrimination information shall be disseminated to Allegan County Transportation employees annually (see Appendix A). This information reminds employees of Allegan County Transportation's policy statement, and of their nondiscrimination responsibilities in their daily work and duties. All employees of Allegan County Transportation are

provided a copy of the plan and are required to sign an Acknowledgement of Receipt (see Appendix B).

During New Employee Orientation, new employees shall be informed of the provisions of Title VI, and Allegan County Transportation expectations to perform their duties accordingly. All employees shall be provided a copy of the Title VI Plan and are required to sign the Acknowledgement of Receipt (see Appendix B).

### **Subcontractors and Vendors**

All subcontractors and vendors who receive payments from Allegan County Transportation where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

### **Record Keeping**

The Title VI Coordinator will maintain permanent records, which include, but are not limited to, signed acknowledgements of receipt from the employees indicating the receipt of Allegan County Transportation's Title VI Plan, copies of Title VI complaints or lawsuits and related documentation, records of correspondence to and from complainants, and Title VI investigations.

### **Title VI Complaint Procedures**

#### **How to file a Title VI Complaint?**

The complainant may file a signed, written complaint up to 180 days from the date of the alleged discrimination. The complaint should include the following information:

- Your name, mailing address, and how to contact you (i.e., telephone number, email address, etc.)
- How, when, where and why you believe you were discriminated against. Include the location, names, and contact information of any witnesses.
- Other information that you deem significant

The Title VI Complaint Form (see Appendix C) may be used to submit the complaint information. The complaint may be filed in writing or by e-mail with Allegan County Transportation at the following address:

Allegan County Transportation  
ATTN: Transportation Director  
750 Airway Drive

Allegan, MI 49010  
PHONE: (269) 686- 4529  
FAX: (269) 673-2190  
transportation@allegancounty.org

NOTE: Allegan County Transportation encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. For complaints originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than 180 days from the alleged date of discrimination.

### **What happens to the complaint after it is submitted?**

All complaints alleging discrimination based on race, color, or national origin in a service or benefit provided by Allegan County Transportation will be directly addressed by Allegan County Transportation. Allegan County Transportation shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, Allegan County Transportation shall make every effort to address all complaints in an expeditious and thorough manner.

A letter of acknowledging receipt of complaint will be mailed within seven days (see Appendix D). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

### **How will the complainant be notified of the outcome of the complaint?**

Allegan County Transportation will send a final written response letter (see Appendix E or F) to the complainant. In the letter notifying complainant that the complaint is not substantiated (Appendix F), the complainant is also advised of his or her right to 1) appeal within seven calendar days of receipt of the final written decision from Allegan County Transportation, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the FTA. Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

Federal Transit Administration Office of Civil Rights  
Attention: Title VI Program Coordinator  
East Building, 5th Floor – TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590

It is in the best interest of all involved parties to attempt to resolve concerns informally and at the lowest level possible. Therefore, with the complainant’s consent, an informal resolution may be attempted. Similarly, these procedures do not prevent Allegan County Transportation from attempting to resolve issues and complaints that are unwritten.

**Title VI Investigations, Complaints, and Lawsuits**

Lawsuits, Complaints, or Investigations Alleging Discrimination

Type (Investigation, Lawsuit, Complaint)	
Date	
Summary of Complaint	
Status	
Action(s) Taken	

There are no records of Title VI complaints being filed with Allegan County Transportation.

**Limited English Proficiency Plan**

**Four Factor Analysis**

Allegan County Transportation is required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:

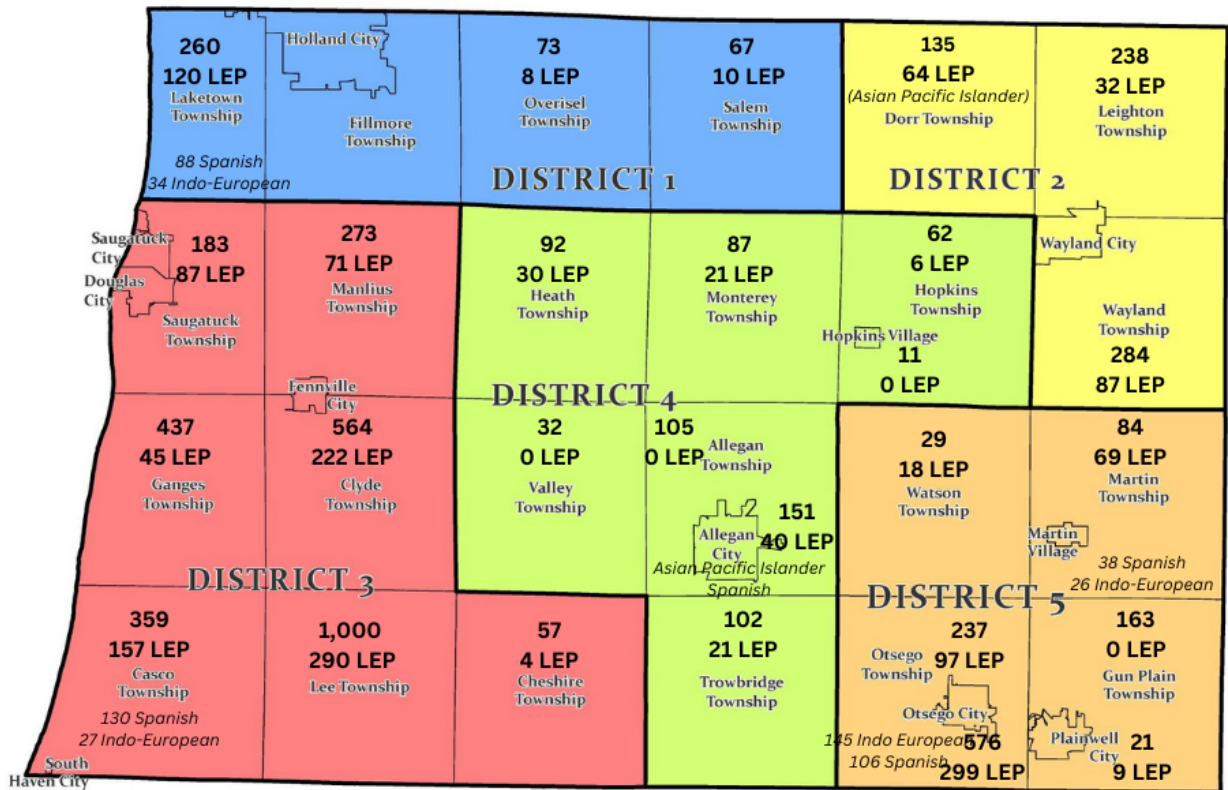
- The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee.
- The frequency with which LEP individuals meet the program.
- The nature and importance of the program, activity, or service provided by the program to people's lives; and
- The resources available to the grantee/recipient or agency, and costs.

**Factor 1: Number/Proportion of LEP Persons in Service Area**

Allegan County Transportation examined the US Census report from 2020 and the American Community Survey from 2021, and was able to determine that approximately 6.47%, or 7,107 people within the Allegan County service area age 5 and older spoke a language other than English. Of the 7,107 reporting they speak other languages than English, 2,030, or 1.8 percent of total respondents speak English less than “very well”. The Spanish language comprised the largest non-English speaking language group with 4.9%. The other largest non-English speaking language group was the Indo-European language at

1.2%. In order to show LEP outreach is targeted towards the population living in the County, information was compiled for each Township and major city/hub locations within the Allegan County Transportation service area. This map indicates the number of individuals that speak another language other than English, and the number that have limited English proficiency (LEP), according to American Community Survey data.

## 2021: ACS 5-Year Estimates Data - Limited English Proficiency (LEP)



The data is based on "Language spoken at home.." The top number represents the number of survey respondents that speak a language other than English in their household; the second number represents those that speak English less than "very well"; this is the limited English proficiency (LEP) we are seeking to understand.

### Factor 2: Frequency of Contact with LEP Persons

An analysis of rider data, in addition to an informal survey of agency staff, showed there are a low frequency of interactions with LEP individuals on a day-to-day basis. There are between 3-5 individuals being transported on a weekly basis that speak English less than "very well", and between 3-5 individuals that call in a month to inquire about Transportation. The individuals being transported on a recurring basis utilize third-party scheduling, meaning a human services agency such as Michigan Works or On Point (Community Mental Health) coordinates scheduling and translation services as needed. At

a frequency of no more than three times per month, an individual with limited English proficiency will ask a family member to call on their behalf to schedule a trip.

Based on the verbal surveying drivers and dispatchers since July 1, 2023, Allegan County Transportation has had less than five requests for interpreters and/or translated agency documents. The staff and drivers have had little to no contact with LEP individuals.

**Factor 3: Nature and importance of the program, activity, or service provided by the program in people’s lives**

Access to the services provided by Allegan County Transportation is critical to the lives of many residents in the service area. Many people depend on Allegan County Transportation services for access to jobs and for access to essential community services like shopping, wellness and behavioral health appointments, and medical appointments. Because of the essential nature of the services and the importance of these programs in the lives of many of the region’s residents, there is a need to ensure that language is not a barrier to access. In Allegan County, there is no large geographic concentration of any one type of LEP individuals within the transportation service area (the overwhelming majority of the population speak only English). Outreach efforts will continue to be made to ensure equal access to information on transportation resources for residents throughout the county.

**Factor 4: The resources available to Allegan County Transportation and overall costs.**

Allegan County Transportation assessed its available resources that could be used for providing LEP assistance. This included identifying how much a professional interpreter and translation service would cost on an as needed basis, which documents would be the most valuable to be translated if and when the populations supports, taking an inventory of available organizations that ACT could partner with for outreach and translation efforts, and what level of staff training is needed.

After analyzing the four factors, Allegan County Transportation developed the following plan to minimize language barriers that may inhibit an individual utilizing public transportation. Below are guidelines staff at Allegan County Transportation will adhere to in order to maintain an accessible and barrier-free transportation system.

**Limited English Proficiency (LEP) Plan**

Allegan County Transportation will use the following guidelines and resources to assist persons with limited English proficiency.

Allegan County Transportation will have the Census Bureau’s “I Speak Cards” available at the Allegan County operations facility. These cards will also be printed and laminated, and will be kept inside each of the revenue vehicles in case drivers encounter a LEP individual.

Although staff may not be able to provide immediate translation assistance, the cards will be used to identify language needs.

Drivers will be trained on available resources to help bridge a communication gap when immediate assistance is needed. If a driver is pulled off the road and parked in a safe location, Google Translate can be accessed from any mobile device to assist in alleviating language barriers.

If an interpreter is needed immediately, in person or on the telephone, staff will use the “I Speak Cards” to help determine what language assistance is needed. Staff shall then visit Google Translate and make best efforts to interpret an individual’s question or need, and formulate a sufficient response. Additionally, the County of Allegan utilizes a language translation service through the District Courts that could be available for the Transportation service area to subscribe to, should the need arise.

Allegan County Transportation will educate our staff on the following procedures:

1. Understanding the Title VI policy and LEP responsibilities.
2. How to access language assistant services
3. Document language assistance requests
4. The procedure if a Title VI and/or LEP complaint is filed.
5. Driver sensitivity training: annually, drivers complete a sensitivity training which reinforces the importance of understanding the diverse needs of the community served by Allegan County’s transportation program.

Customer Complaint Process - Citizens may call ACT’s call center at (269) 673-4229 or the Title VI coordinator at (269) 686-4529 to file a complaint or comment. All complaints/comments are entered into a database and then distributed to the relevant manager who researches the complaint and responds back to the complainant.

Allegan County Transportation will add the Title VI policy and complaint Procedures to its website. The County website has a Google Translate plug-in available, so can translate plain text found on the website. To ensure accessibility of documents for individuals with limited English proficiency, efforts will be made to include the Title VI policy on the website in a rich-format versus PDF document to ensure it can be easily translated. Furthermore, printed materials outlining policies and procedures will be translated to Spanish and will be distributed to agency partners, and made available to the general public upon request.

### **Public Participation Plan**

The Allegan County Transportation community and minority outreach plan is based on the following principles:



- Flexibility - The engagement process will accommodate participation in a variety of ways and be adjusted as needed.
- Inclusiveness – Allegan County Transportation will proactively reach out to and engage low income, minority and LEP populations from the Allegan County Transportation service area.
- Respect - All feedback will be given careful and respectful consideration.
- Initiative-taking and Timeliness - Participation methods will allow for early involvement and be ongoing.
- Clear, Focused and Understandable - Participation methods will have a clear purpose and use for the input and will be described in language that is easy to understand.
- Honest and Transparent - Information provided will be accurate, trustworthy, and complete.
- Responsiveness – Allegan County Transportation will respond and incorporate appropriate public comments into transportation decisions.
- Accessibility – Meetings will be held in locations which are fully accessible and welcoming to all area residents, including, but not limited to, low-income and minority members of the public and in locations relevant to the topics being presented and discussed.

As an agency receiving federal financial assistance, Allegan County Transportation has made the following community and minority outreach efforts since the last submission of a Title VI program:

1. All printed marketing materials have been updated to include specific language surrounding the agency’s Title VI policy;
2. A Program Coordinator has been hired (April 2023), specifically to work more closely with human services agencies and individuals in the community that may benefit from public transportation;
3. Allegan County Transportation is represented in a working group under the Multi-Agency Collaborative Council. The intent of the focus group meetings is to strengthen efforts in implementing the Community Health Improvement Plan;
4. Allegan County participated in the 2022 Community Survey (through the U.S. Census Bureau) in order to better understand the needs of the community served by public transit; some questions were even geared towards better understanding transportation needs and barriers to access.
5. Service expansion at the beginning of 2022 was intended to increase transportation opportunities for individuals living in communities previously underserved by public transportation; since service expansion took effect on January 1, 2022, individuals living in more rural areas and off of major roadways are now able to schedule a trip with Allegan County Transportation. Service expansion aligned with the County’s overall goals in improving the quality of life for residents living within Allegan County.

## **Outreach Techniques**

Allegan County Transportation does not have a formal practice of outreach techniques due to the lack of LEP population and resources available in the service area. However, the following are a few options that Allegan County Transportation will incorporate when and/or if the need arises for LEP outreach:

1. If staff knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.
2. When running a general public meeting notice, staff will insert the clause, based on the LEP population and when relevant, that translates into “A (insert alternative Language) translator will be available”. For example: “Un traductor del idioma español estará disponible” This means “A Spanish translator will be available”.
3. Key print materials, including but limited to schedules and maps, will be translated and made available at 750 Airway Drive, on board vehicles and in communities when a specific and concentrated LEP population is identified.

Allegan County Transportation has engaged the public in its planning and decision-making processes, as well as its marketing and outreach activities. Service expansion was largely in response to feedback shared by individuals and partnering agencies that felt the transit program was too limited. Expanded service took into account the need to increase evening hours and availability of service on Saturdays – all in response to public feedback. In addition, Allegan County Transportation has remained committed to its mission to provide barrier-free travel, now offering curb to curb service anywhere within the county for any trip purpose – medical appointments, wellness, shopping and errands, and quality of life.

Allegan County Transportation submits to the Michigan Department of Transportation annually an application for funding. The application requests funding for both capital and operating assistance. Part of the annual application is a public notice, which includes a 30-day public comment period.

Allegan County Transportation actively participated in the development of the following county human services – coordinated transportation services plan: Coordinated Mobility Plan: Prosperity Region 4. May 2016. Prepared by KFH Group, Inc. for MDOT & 211. As of March, 2023, the Southwest Regional Planning Commission is working with KFH Group to organize a series of focus group meetings. The next Coordinated Mobility Plan for Region 8 is expected to become available in 2024. Allegan County Transportation also meets quarterly with other transit agencies in the region to increase coordination activities, especially for groups underserved by public transit.

Allegan County Transportation currently publishes hours and days of service and any proposed changes go through a public input process prior to implementation. The Allegan County Board of Commissioners holds monthly meetings that the public is invited to attend. Public comment on any service area, including Transportation, is always

welcomed at the beginning of each regularly scheduled meeting. The County also has a survey available with open-ended questions, allowing members of the community to leave feedback at any time.

Allegan County Transportation has a complaint procedure that is available to the public at any time and is also available to the public via the County Website at [allegancounty.org/transportation](http://allegancounty.org/transportation). The complaint procedure is an operating procedure that all new team members are trained on. All complaints received go through a thorough investigation process, with results reported quarterly to County leadership.

### **Membership of Non-Elected Committees**

Annually, the Local Advisory Council meets in-person to discuss the transit program and identify opportunities for improvement.

Allegan County Transportation will publicly advertise and post on our website to encourage minority participation on non-elected committees such as the LAC (Local Advisory Committee). To ensure equal representation on the LAC, efforts will be made to engage with individuals and human services agencies to improve representation of LEP groups. To encourage participate in local LAC meetings, Allegan County Transportation offers transportation for in-person meetings, or the meeting is available in an online format.

Because, the majority of the population in Allegan County is White/Caucasian, with the second largest representation being Hispanic Latino, Allegan County Transportation has taken great measures in seeking out additional minority representation, including directly asking some minority persons who have attended meetings about participating in membership of the LAC; they declined participating.

### **Equity Analysis**

If Allegan County Transportation constructs a facility, such as a vehicle storage facility, maintenance facility, operations center, or other building, it will do a Title VI equity analysis following the procedures listed below:

Allegan County Transportation shall complete a Title VI equity analysis during the planning stage regarding where a project is located or sited to ensure the location is selected without regard to race, color, or national origin.

When evaluating locations of facilities, agencies should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result.

If Allegan County Transportation determines that the location of the project will result in a disparate impact based on race, color, or national origin, Allegan County Transportation

may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact based on race, color, or national origin.

## **Appendix A**

### **Employee Annual Education Form**

#### **Title VI Policy**

No person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

All employees of Allegan County Transportation are expected to consider, respect, and observe this policy in their daily work and duties. If a citizen approaches you with a question or complaint, direct him or her to contact the Allegan County Transportation Director.

In all dealings with citizens, use courtesy titles (i.e., Mr., Mrs., Ms., or Miss) to respectfully address them without regard to race, color, or national origin.

## Appendix B

### Acknowledgement of Receipt of Title VI Plan

I hereby acknowledge the receipt of Allegan County Transportation's Title VI Plan. I have read the plan and am committed to ensuring that no person is excluded from participation in or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B.

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Employee signature

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Print name

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Date

## Appendix C Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” If you feel you have been discriminated against in transit services, please provide the following information to assist us in processing your complaint.

Please print clearly:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ (home)

\_\_\_\_\_ (cell) \_\_\_\_\_ (message)

Are you filing this complaint on your own behalf?  yes\*  no

\*If yes to this question, please give that person’s information below.

Person discriminated against:

\_\_\_\_\_

Address of person discriminated against:

\_\_\_\_\_

City, State, Zip Code:

\_\_\_\_\_

Please indicate why you believe the discrimination occurred:

\_\_\_\_\_ race or color

\_\_\_\_\_ national origin

\_\_\_\_\_ other

What was the date of the alleged discrimination?

\_\_\_\_\_

Where did the alleged discrimination take place?

\_\_\_\_\_

Please describe the circumstances as you saw it:

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Please list all witnesses' names and phone numbers:

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Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State Court?  yes  no

If yes, check all that apply:

- Federal Agency\_\_\_\_\_
- Federal Court\_\_\_\_\_
- State Court\_\_\_\_\_
- State Agency\_\_\_\_\_
- Local Agency\_\_\_\_\_

Please provide information about a contact person at the agency/court where the complaint was filed.

Name: \_\_\_\_\_

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

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

What type of corrective action would you like to see taken?

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Please attach any documents you have which support the allegation. Then date and sign this form and send to the Title VI Coordinator at:

Allegan County Transportation  
ATTN: Transportation Director  
750 Airway Drive  
Allegan, MI 49010  
PHONE: (269) 686- 4529  
FAX: (269) 673-2190  
transportation@allegancounty.org

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Your signature

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Print name

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Date

## APPENDIX D

### Letter Acknowledging Receipt of Complaint

Today's Date

Ms. Jo Doe  
1234 Main St.  
Clarksville, Tennessee 37040

Dear Ms. Doe:

This letter is to acknowledge receipt of your complaint against Allegan County  
Transportation, alleging

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\_\_\_\_\_.

An investigation will begin shortly. If you have additional information you wish to convey  
or questions concerning this matter, please feel free to contact this office by telephoning  
(269) 673 – 4229 or write to me at this address.

Sincerely,

Name  
Title VI Coordinator

## APPENDIX E

### Letter Notifying Complainant the Complaint Is Substantiated

Today's Date

Ms. Jo Doe  
1234 Main St.  
Clarksville, Tennessee 37040

Dear Ms. Doe:

The matter referenced in your letter of \_\_\_\_ (date) against Allegan County Transportation, alleging Title VI violation has been investigated.

(An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. ***(If a hearing is requested, the following sentence may be appropriate.)*** You may be hearing from this office, or from federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Name  
Title VI Coordinator

## APPENDIX F

### Letter Notifying Complainant the Complaint Is Not Substantiated

Today's Date  
Ms. Jo Doe  
1234 Main St.  
Clarksville, Tennessee 37040

Dear Ms. Doe:

The matter referenced in your complaint of \_\_\_\_\_ (date) against Allegan County Transportation alleging \_\_\_\_\_ has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964 had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

Allegan County Transportation has analyzed the materials and facts pertaining to your case for evidence of the authority's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to 1) appeal within seven calendar days of receipt of this final written decision from Allegan County Transportation, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at

Federal Transit Administration Office of Civil Rights  
Attention: Title VI Program Coordinator  
East Building, 5th Floor - TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Name  
Title VI Coordinator

## APPENDIX G

### **Samples of Narrative to be included in Posters to be Displayed in Revenue Vehicles and Facilities**

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

Allegan County Transportation is committed to ensuring that no person is excluded from participation in or denied the benefits of its transit services based on race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B. **If you feel you are being denied participation in or being denied benefits of the transit services provided by Allegan County Transportation, or otherwise being discriminated against because of your race, color or national origin, you may contact our office at:**

Allegan County Transportation  
ATTN: Title VI Coordinator  
750 Airway Drive  
Allegan, MI 49010  
PHONE: (269) 686- 4529  
FAX: (269) 673-2190  
transportation@allegancounty.org

For more information, visit our website at [allegancounty.org/transportation](http://allegancounty.org/transportation)