

# 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**  
**Gale Dugan, Vice Chairperson**

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## **BOARD OF COMMISSIONERS MEETING – AGENDA** \*REVISION #2 – 9/23/20

Thursday, September 24, 2020 – 1PM

Virtual Meeting – Connectivity Instructions **Attached**

DISTRICT 1  
Dean Kapenga  
616-218-2599  
dkapenga@  
allegancounty.org

1PM

### **CALL TO ORDER:**

### **ROLL CALL:**

**OPENING PRAYER:** Commissioner Jim Storey

### **PLEDGE OF ALLEGIANCE:**

**COMMUNICATIONS:** Attached

**APPROVAL OF MINUTES:** Attached

September 10, 2020

### **PUBLIC PARTICIPATION:**

### **ADDITIONAL AGENDA ITEMS:**

### **APPROVAL OF AGENDA:**

### **PRESENTATIONS:**

### **PROCLAMATIONS:**

### **INFORMATIONAL SESSION:**

Prosecuting Attorney—Myrene Koch

### **ADMINISTRATIVE REPORTS:**

DISTRICT 2  
Jim Storey  
616-848-9767  
jstorey@  
allegancounty.org

DISTRICT 3  
Max R. Thiele  
269-673-4514  
mthiele@  
allegancounty.org

DISTRICT 4  
Mark DeYoung  
616-318-9612  
mdeyoung@  
allegancounty.org

### **CONSENT ITEMS:**

1. Motion to approve of claims paid and to incorporate into proceedings of the Board (9/18/20 & 9/25/20)

DISTRICT 5  
Tom Jessup  
269-637-3374  
tjessup@  
allegancounty.org

### **ACTION ITEMS:**

1. Emergency Management—approve latest Emergency Operations Plan (193-334)
2. 2020 Millage Levy—set additional County Millage Rate
3. Michigan Community Development Block Grant (CDBG) Funding for CDBG Cares Funding—set Public Hearing
4. 2021 Final Budget—set Public Hearing

DISTRICT 6  
Gale Dugan  
269-694-5276  
gdugan@  
allegancounty.org

### **DISCUSSION ITEMS:**

DISTRICT 7  
Rick Cain  
269-744-7918  
rcain@  
allegancounty.org

1. Sheriff's Office—award Body Scanning System Bid (194-775)
2. \*Equalization—Property Assessing Reform

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### **NOTICE OF APPOINTMENTS & ELECTIONS: N/A**

### **APPOINTMENTS:**

#### **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”

1. Brownfield Redevelopment Authority
  - One Representative—term expired 12/31/19
2. Parks Advisory Board
  - One Representative—term expired 12/31/19
3. Local Emergency Planning Committee
  - Public Representative— term expired 12/31/19
4. Solid Waste Planning Committee
  - Two Solid Waste Industry Representative—term expired 12/31/19
  - One Township Representative—term expired 12/31/19
  - One City Gov. Representative—term expires 12/31/20
5. Tourist Council
  - One Representative—term expired 12/31/20

**ELECTIONS:**

1. Economic Development Commission
  - Downtown Representative—term expired 12/31/19
2. Commission on Aging:
  - One Member At Large—term expires 12/31/21

**PUBLIC PARTICIPATION:**

**FUTURE AGENDA ITEMS:**

**REQUEST FOR PER DIEM/MILEAGE:**

**BOARDS AND COMMISSIONS REPORTS:**

**ROUND TABLE:**

**ADJOURNMENT:** Next Meeting – Thursday, October 8, 2020, 7:00PM @ **BOARD ROOM – COUNTY SERVICES BUILDING, COUNTY SERVICES COMPLEX.**



# Allegan County Board of Commissioners



# Allegan County Board of Commissioners

## Meeting

September 24, 2020 @ 9:00a

September 24, 2020 @ 1:00p

Connecting via Zoom Webinar



Allegan County  
3283 122<sup>nd</sup> Ave  
Allegan, MI 49010

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# STEP 1: Connect to the Zoom Site

- OPTION 1: Telephone

- Call (929) 205-6099 -or- (312) 626-6799 -or- (253) 215-8782
- Type in Meeting ID: 827 6207 9589, then #, then # again
- Type in Meeting Password: 92420, 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.

- OR -

- OPTION 2: Web browser

- Open Internet Explorer or Chrome
- Navigate to <https://zoom.us/j/82762079589>
- Meeting Password: 92420

<Continue with the rest of the instructions>

# STEP 2: Enter registration information

The screenshot shows a web browser window with the URL `zoom.us/webinar/register/WN_YneHxuk_SjqfnMwchbtJEg`. The page title is "Webinar Registration".

Registration details:

- Topic: BOC Meeting - 4/9/2020
- Time: Apr 9, 2020 01:00 PM in Eastern Time (US and Canada)

Registration form fields (marked as required with an asterisk):

- First Name \*
- Last Name \*
- Email Address \*
- Confirm Email Address \*

reCAPTCHA challenge:

- Checkbox:  I'm not a robot
- Challenge: "Select all images with" (a grid of street scenes)
- Buttons: "Join Webinar in Progress" and "VERIFY"

Footer navigation links:

- About: Zoom Blog, Customers, Our Team, Why Zoom, Features, Careers, Integrations, Partners, Investors
- Download: Meetings Client, Zoom Rooms Client, Browser Extension, Outlook Plug-in, Lync Plug-in, iPhone/iPad App, Android App
- Sales: 1.888.799.9666, Contact Sales, Plans & Pricing, Request a Demo, Webinars and Events
- Support: Test Zoom, Account, Support Center, Live Training, Feedback, Contact Us, Accessibility

1. Enter name and email

2. Click this box

4. Click when done.

3. Answer challenge question

STEP 3: This Window will appear when connected.



# STEP 4: Adjust audio settings (if needed)

1

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

2

Settings

General  
Video  
Audio  
Share Screen  
Virtual Background  
Recording  
Statistics  
Feedback  
Keyboard Shortcuts  
Accessibility

Speaker: Test Speaker, Remote Audio

Output Level: [Slider]

Volume: [Slider]

Microphone: Test Mic

Input Level: [Slider]

Volume: [Slider]

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

269-673-4514  
mblee@allegancounty.org

Economic Development — Greg King, Director  
ADMINISTRATIVE REPORTS:

**DISTRICT 4**  
Mark DeYoung  
816-318-9612  
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

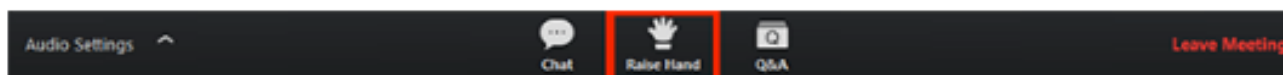


# STEP 5: Raise hand to be recognized to speak.

- 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 displays a Zoom meeting interface. At the top, a green banner reads "You are viewing Allegan County Administration's screen" with a "View Options" dropdown. The main content is a document viewer showing 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 Jim Storey and Gale Dugan. The agenda items are listed under "BOARD OF COMMISSIONERS MEETING - AGENDA":

- DISTRICT 1:** Dean Kapenga (810-218-2599, dekapenga@allegancounty.org)
- DISTRICT 2:** Jim Storey (616-848-0767, jstorey@allegancounty.org)
- DISTRICT 3:** Max R. Thiele (269-673-4514, mthiele@allegancounty.org)
- DISTRICT 4:** Mark Drayton

The agenda items include: Virtual Meeting - Connectivity Instructions (Attached), IPM, 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, ADMINISTRATIVE REPORTS, and CONSENT ITEMS.

At the bottom of the Zoom window, there is a control bar with "Audio Settings", "Chat", "Raise Hand", "Q&A", and a red "Leave Meeting" button. A large blue arrow points to the "Leave Meeting" button.

BAY COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 8, 2020

RESOLUTION

BY: COMMISSIONER KIM J. COONAN, 4<sup>TH</sup> DISTRICT

WHEREAS, The coronavirus pandemic and resulting recession are wreaking havoc on the United States; and

WHEREAS, Both state and local governments are facing massive budget shortfalls resulting from the economic downturn, which will significantly affect their ability to provide crucial services; and

WHEREAS, More than a million state and local government jobs have been lost since the Covid-19 crisis began and those jobs include but are not limited to police officers and firefighters, health care workers, emergency responders, social service providers and teachers; and

WHEREAS, Millions more of these workers and the critical services they provide will soon be lost unless Congress and the administration act quickly to help close state and local governments' widening budget gaps; and

WHEREAS, The Covid-19 crisis has significantly reduced tax revenues that state and local governments rely on to fund jobs and services and, with increasingly high unemployment rates, the lost wages mean a huge decline in personal income taxes; and

WHEREAS, With nearly a third of businesses shut down at the peak of shelter-in-place rules, corporate income taxes fell; and

WHEREAS, With few people traveling, going to movies or purchasing cars, saletax revenues are dropping at an alarming rate; and

WHEREAS, Property tax revenues will suffer, since home prices and commercial real estate values will eventually slump; and

WHEREAS, The crisis, however, has caused demand to soar for state and local government services and support programs; and

WHEREAS, Hospitals are packed with Covid patients and the millions who have lost jobs are looking for unemployment, Medicaid and help with housing and other living costs; and

WHEREAS, At a time when Americans need government help most, cash strapped local units of government as well as states across the country, have no option but to cut the help they provide; and

WHEREAS, These outlined losses will not be recouped soon, if ever; and

WHEREAS, Federal assistance to state and local governments is one of the most effective ways to support the economy in a downturn; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners calls upon and strongly urges the President of the United States, the Senate and Congress to provide the financial assistance required to aid states and local units of government as they continue to deal with the economic long term effects of Covid-19; Be It Finally

RESOLVED That copies of this resolution be forwarded to the President of the United States, our Federal and State Representatives, the Michigan Association of Counties and the other 82 Michigan counties.

KIM COONAN, 4<sup>TH</sup> DISTRICT COUNTY COMMISSIONER

Comm Coonan - Federal Assistance

MOVED BY COMM. LUTZ

SUPPORTED BY COMM. KRYGIER

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

VOTE TOTALS:

ROLL CALL: X YEAS 7 NAYS 0 EXCUSED 0

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

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

AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_ NO ACTION TAKEN \_\_\_\_\_



Township/ City / Village of Cheshire  
Resolution # 20-1

**Whereas**, On July 23, 2020, at the request of interested citizens, the Allegan County Board of Commissioners (County Board) discussed the concept of a county-wide, Off-Road Vehicle (ORV) Ordinance.

**Whereas**, A county-wide ORV Ordinance was considered in 2014 resulting in the decision of the County Board to take no action regarding the development of an ordinance to allow ORVs to travel on county roads.

**Whereas**, The County Board believes an ORV Ordinance remains best considered at the local level considering the geographical, roadway and philosophical differences that may exist across the County.

**Whereas**, Creating a patchwork of interconnecting local ORV ordinances presents challenges with consistency and uniformity of enforcement.

**Whereas**, the County has indicated that the Allegan County Road Commission, Sheriff, and Prosecutor's office are offering assistance to any local unit or group of local units that may consider developing an ORV ordinance.

**Whereas**, historically local units bear the burden of enforcing, ticketing, and prosecuting the local unit's ordinances.

**Whereas**, questions remain as to who the County Board, the Sheriff, and Prosecutor's office intends to write tickets, prosecute ordinance violators, and divide ticket revenue.

**Whereas**, According to the County Board's own approved communique of August 13, 2020, During the July 23 Meeting, the County Board reaffirmed the 2014 decision *\*largely due to the absence of a unified position being represented by all, or even the majority of, local units in the County.* \*emphasis added

**Therefore, be it resolved**, that The Board of the (Township/City/Village) of Cheshire expresses its support of an Allegan County-wide, ORV ordinance.

**Therefore, be it further resolved**, that the creation of a County-Wide ORV ordinance is the best way to ensure that there is consistency from local unit to local unit and uniform enforcement.

Motion by Hale, supported by Hetzel

Roll Call:

Ayes 5

Nays 0

Clerk's certification....

*Anna Sue Hetzel, Clerk*

Township of Ganges  
Resolution # 2020-7

**Whereas**, On July 23, 2020, at the request of interested citizens, the Allegan County Board of Commissioners (County Board) discussed the concept of a county-wide, Off-Road Vehicle (ORV) Ordinance.

**Whereas**, A county-wide ORV Ordinance was considered in 2014 resulting in the decision of the County Board to take no action regarding the development of an ordinance to allow ORVs to travel on county roads.

**Whereas**, The County Board believes an ORV Ordinance remains best considered at the local level considering the geographical, roadway and philosophical differences that may exist across the County.

**Whereas**, Creating a patchwork of interconnecting local ORV ordinances presents challenges with consistency and uniformity of enforcement.

**Whereas**, the County has indicated that the Allegan County Road Commission, Sheriff, and Prosecutor's office are offering assistance to any local unit or group of local units that may consider developing an ORV ordinance.

**Whereas**, historically local units bear the burden of enforcing, ticketing, and prosecuting the local unit's ordinances.

**Whereas**, questions remain as to who the County Board, the Sheriff, and Prosecutor's office intends to write tickets, prosecute ordinance violators, and divide ticket revenue.

**Whereas**, According to the County Board's own approved communique of August 13, 2020, During the July 23 Meeting, the County Board reaffirmed the 2014 decision *\*largely due to the absence of a unified position being represented by all, or even the majority of, local units in the County.* \*emphasis added

**Therefore, be it resolved**, that The Board of the Township of Ganges expresses its support of an Allegan County-wide, ORV ordinance.

**Therefore, be it further resolved**, that the creation of a County-Wide ORV ordinance is the best way to ensure that there is consistency from local unit to local unit and uniform enforcement.

Motion by Hebert, supported by Hutchins

Roll Call:

Ayes 5 Hutchins, Reimink, Hebert, Phelps, Gooding

Nays 0

Certification

I, Robin Phelps, the duly appointed and acting Clerk of Ganges Township, hereby certify that the foregoing resolution was adopted by the Township Board by a roll call vote at a regular meeting of the Board held on September 8, 2020, at which meeting a quorum was present; and that this resolution was ordered to take immediate effect.

*Robin Phelps*

Robin Phelps, Clerk

## ALLEGAN COUNTY BOARD OF COMMISSIONERS

## INDEX

SEPTEMBER 10, 2020 SESSION

JOURNAL 68

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758	4	PUBLIC PARTICIPATION - NO COMMENTS
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## AFTERNOON SESSION

**SEPTEMBER 10, 2020 SESSION - INVOCATION, PLEDGE OF ALLEGIANCE, ROLL CALL**

1/ The Board of Commissioners of the County of Allegan, State of Michigan, met remotely online connecting through a Zoom webinar on September 10, 2020 at 1:00 P.M. in accordance with the motion for adjournment of August 27, 2020, and rules of this board; Chairman Storey presiding.

The invocation was offered by District #6 Commissioner Dugan.

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	DEAN KAPENGA	DIST #5	TOM JESSUP
DIST #2	JIM STOREY	DIST #6	GALE DUGAN
DIST #3	MAX THIELE	DIST #7	RICK CAIN
DIST #4	MARK DeYOUNG		

**COMMUNICATIONS**

2/ Deputy Clerk Tien noted to the board that they received the following resolutions:

1. Alcona County resolution in opposition to continuing COVID Emergency Executive Orders from Lansing and a resolution opposing Executive Directive 2020-9, protester violence, the false narrative of American being systemic racist and false history and support for local law enforcement unjustly portrayed
2. Leelanau County resolution to condemn racism in Leelanau County

**AUGUST 27, 2020 SESSION MINUTES - ADOPTED**

3/ Moved by Commissioner Kapenga, seconded by Commissioner Dugan to approve the minutes for the August 27, 2020 session as distributed. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

**PUBLIC PARTICIPATION - NO COMMENTS**

4/ 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**

5/ Moved by Commissioner Dugan, seconded by Commissioner DeYoung to adopt the meeting agenda as presented. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

**INFORMATIONAL SESSION: COUNTY TREASURER**

6/ Treasurer Sally Brooks addressed the board with the Treasurer's Annual Report for 2019.



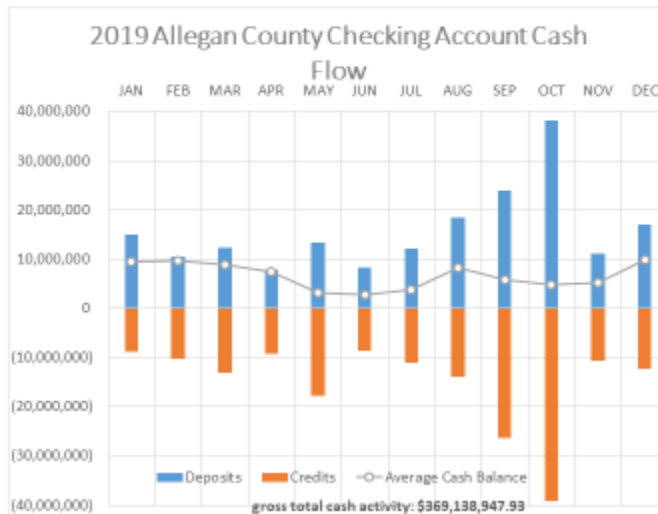


# Allegan County Treasurer Annual Report 2019

*Prepared by: Sally Brooks Allegan County Treasurer*

## Custodian of County Funds:

- The County Treasurer's Office is the depository for all county funds by Board resolution and in accordance with Act No. 40, Public Acts of Michigan 1932. Fund management activities include receipt for revenues, coordinate cash drawers, maintain bank accounts, reconcile receivables, coordinate disbursement of funds held in trust, and coordinate signature on and transfer of funds to cover county disbursements.
- This chart shows the monthly transactions in our main checking account for 2019



# Delinquent Property Tax Administration

- It is the responsibility of the County Treasurer to collect delinquent real property taxes. Functions associated with delinquent taxes include writing receipts, processing tax roll adjustments to prior year tax rolls (for up to 20 years), processing bankruptcy claims, and managing the annual forfeiture and foreclosure process, and being the Foreclosing Unit of Government.

Annual March settlement with local units mostly done on line and no longer in person we miss seeing our local Treasurers.

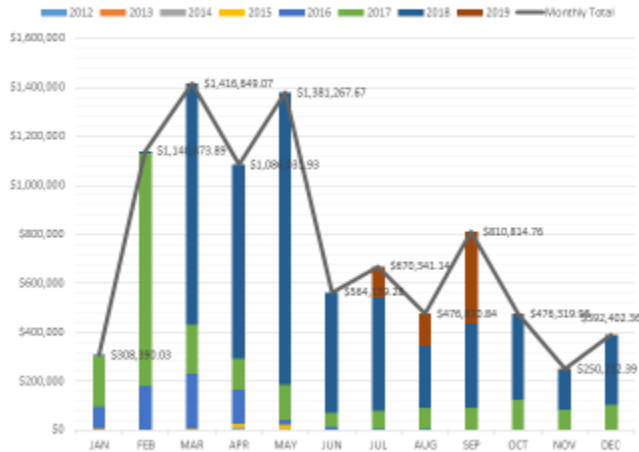


Year	2017	2018	2019
<b>March Delinquent Pay Out</b>			
No. of properties	5,738	6,221	5,869
	6,432,142	7,134,415	7,061,814
<b>Forfeited and Foreclosed</b>			
Certified Mail Count	3814	4430	4398
Property Forfeited	814	837	905
Property Foreclosed	47	54	48
Financial Harship given	35	47	34
<b>Tax Collection</b>			
Receipts Written	8274	7692	8377
	\$7,824,617	\$7,285,384	\$8,974,313
Interest & Fees	851,225	1,019,943	1,197,116
<b>Tax Roll Adjustments</b>			
No. Processed	460	645	480

## Delinquent Tax Cash Flow

Last year we collected \$8,974,313.34 in delinquent taxes

2019 Delinquent Tax Collection for all years



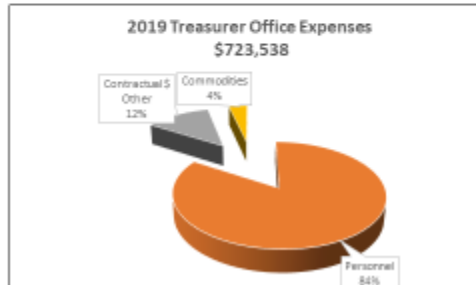
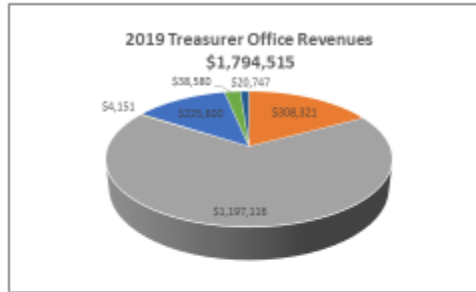
## Treasurer Revenue vs. Expense

### 2019 Treasurer Office Revenue

Interest	\$ 308,321
DTRF Fees & Interest	\$ 1,197,116
Tax Search	\$ 4,151
Property Sales	\$ 225,600
Dog License Sales	\$ 38,580
Deed Certification	\$ 20,747
<b>Total Revenue</b>	<b>\$ 1,794,515</b>

### 2019 Treasurer Office Expenses

Personnel	\$ 466,453
Contractual	\$ 58,418
Other	\$ 31,542
Commodities	\$ 9,198
Delinquent Tax Efforts	
Personnel	141,751
Commodities	16,174
Contractual	58,418
	216,343
<b>Total Expenses</b>	<b>\$723,538</b>



## Disabled Veterans Exemption Information

### P.A. 161 of 2013 Eligibility Requirement:

- (a) Has been determined by the United States department of veterans' affairs to be permanently and totally disabled as a result of military service and entitled to veterans' benefits at the 100% rate.
- (b) Has a certificate from the United States veterans' administration, or its successors, certifying that he or she is receiving or has received pecuniary assistance due to disability for specially adapted housing.
- (c) Has been rated by the United States department of veterans' affairs as individually unemployable.

The unremarried surviving spouse of the disabled veteran is eligible for the exemption based upon the eligibility of their spouse, therefore the spouse must also be a Michigan resident. The exemption will continue only as long as the surviving spouse remains unremarried.

For more information and the Affidavit to be filed with local township or city go to [www.Michigan.gov/statestaxexemption](http://www.Michigan.gov/statestaxexemption)

In 2019 265 disabled veterans received a property tax exemption in Allegan County, the SEV amount of \$23,763,600 and the taxable of \$17,656,790.

Our office as a courtesy sent out in 2019 25 reminder letters to veterans to file their yearly requirement of an affidavit confirming their eligibility with their local unit.

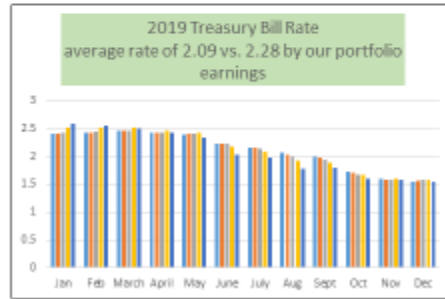
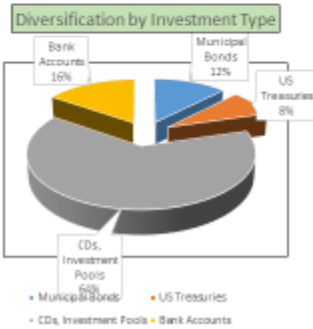


2019 Revenue Ending Dec 31

Investment Earnings	\$	872,092
Delinquent Fees & Interest	\$	1,197,116
Dog Licenses	\$	41,195

Investment Institution Summary

Bank or Brokerage	Amount	Percent
Fifth Third Securities	6,740,299	15%
Huntington Bank	9,414,421	21%
United Bank	1,000,000	2%
Class MBIA	11,820,544	27%
Chemical Bank	8,150,844	18%
USB Securities	2,500,218	6%
Macatawa Bank	2,058,383	5%
Wells Fargo	500,854	1%
Comerica Securities	2,350,003	5%



County Treasurer Staff



Christina Andress



Missy Goodman



Kollene Dodgen



Vicki Wedge



Savannah Anderson



Sheila Buckleitner



Larry Ladenburger  
aka enforcement officer



Vickie Van Horn

Jennifer Morris

**ADMINISTRATIVE REPORTS:**

7/ Administrator Sarro noted his written report was submitted to Commissioners. Highlights included senior services and Project Staircase.

**FINANCE COMMITTEE - CLAIMS & INTERFUND TRANSFERS**

8/ **WHEREAS**, Administration has compiled the following claims for September 4, 2020 and September 11, 2020; 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 2020 Claims folder of the Commissioners' Record of Claims.

September 4, 2020

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 1010	117,923.91	117,923.91	
Park/Recreation Fund - 2080	126.88	126.88	
Friend Of the Court Office - 2151	196.72	196.72	
Health Department Fund – 2210	45,908.19	45,908.19	
Solid Waste – 2211	8,987.28	8,987.28	
Transportation Grant – 2300	2,259.49	2,259.49	
Capital Improvement Fund - 2450	18,174.28	18,174.28	
Palisades Emergency Planning Facility UP – 2630	275.95	275.95	
Grants - 2790	15,074.00	15,074.00	
Child Care-Circuit/Family – 2921	1,754.61	1,754.61	
Senior Millage – 2950	1,053.99	1,053.99	
Delinquent Tax Revolving Fund - 6160	1,048.64	1,048.64	
Drain Equip Revolving - 6390	382.25	382.25	
Self-Insurance Fund – 6770	357,284.38	357,284.38	
Drain Fund – 8010	12,536.47	12,536.47	
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>\$582,987.04</b>	<b>\$582,987.04</b>	

September 11, 2020

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund – 1010	143,380.16	143,380.16	
Park/Recreation Fund - 2080	2,925.18	2,925.18	
Friend of the Court Fund – 2150	304.00	304.00	
Friend Of the Court Office - 2151	399.86	399.86	
Health Department Fund – 2210	3,852.88	3,852.88	
Transportation Grant – 2300	7,116.32	7,116.32	
Multi Agency Collaborative Committee – 2400	1,649.97	1,649.97	
Capital Improvement Fund - 2450	5,999.20	5,999.20	

Grants - 2790	26,575.75	26,575.75	
Child Care-Circuit/Family – 2921	37,881.62	37,881.62	
Soldiers Relief Fund – 2930	575.35	575.35	
Senior Millage – 2950	5,183.19	5,183.19	
Delinquent Tax Revolving Fund - 6160	17,515.33	17,515.33	
Drain Equip Revolving - 6390	102.68	102.68	
Drain Fund – 8010	38,354.67	38,354.67	
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>\$291,816.16</b>	<b>\$291,816.16</b>	

**THEREFORE BE IT RESOLVED** that the Board of Commissioners adopts the report of claims for September 4, 2020 and September 11, 2020.

Moved by Commissioner Dugan, seconded by Commissioner Kapenga to adopt the report of claims for September 4, 2020 and September 11, 2020. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

**DISCUSSION ITEMS:**

**COURTHOUSE PROJECT UPDATE/SIGNAGE**

9/ Administrator Sarro updated the board the County has received 8 bids for the Courthouse Construction Project. The Project Team is reviewing the bid responses and checking references. Discussion followed on the final cost of the project and where the funds will come from to fund the project.

Executive Director of Operations Steve Sedore presented the board with 4 different signage options for the new entrance to the Courthouse. Discussion followed and final approval will be brought before the board at a future meeting.

**2021 BUDGET OVERVIEW**

10/ Administrator Sarro presented the FY2021 draft proposed budget. Financially, the upcoming year is planned to maintain a stable level of service and operations, while striving to manage an unstable revenue picture. Discussion followed.

**APPOINTMENTS: SOLID WASTE PLANNING COMMITTEE**

11/ Chairman Storey announced the appointment of the following individual to the Solid Waste Planning Committee to fill the remainder of a 2-year term; term to expire 12/31/2021.

Garth Llewellyn, 435 Green Meadow Ct SE, Caledonia

Moved by Commissioner Dugan, seconded by Commissioner Cain to approve the appointment as made. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

**PUBLIC PARTICIPATION – NO COMMENTS**

12/ 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 SEPTEMBER 24, 2020 AT 1:00 P.M.**

13/ Moved by Commissioner Kapenga, seconded by Commissioner Dugan to adjourn until September 24, 2020 at 1:00 P.M. The motion carried and the meeting was adjourned at 4:12 P.M.

*Jennifer Sten*

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Deputy Clerk

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Board Chairperson

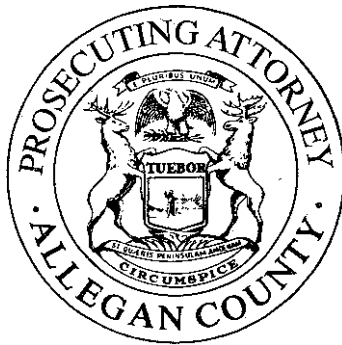
Minutes approved during the 00/00/2020 Session

DRAFT

**2019**

**ALLEGAN COUNTY PROSECUTING ATTORNEY**

**ANNUAL REPORT**



**RESPECTFULLY SUBMITTED TO:**

**THE CITIZENS OF ALLEGAN COUNTY**

**AND**

**ALLEGAN COUNTY BOARD OF COMMISSIONERS**



# Allegan County Prosecuting Attorney 2019 Annual Report

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## ALLEGAN COUNTY PROSECUTING ATTORNEY 2019 ANNUAL REPORT

### INTRODUCTION

We are pleased to present the 2019 Annual Report for your review. This report was prepared by the Allegan County Prosecuting Attorney, Myrene K. Koch and her staff.

The Michigan Constitution mandates that every county elect a Prosecuting Attorney whose duties are legally defined.

The Prosecuting Attorney administers public justice and is a local office. His or her duties to a large extent are local only in the sense that they are to be performed locally; for they are to be performed on behalf of the state just as much as are the duties of the judge who holds court for his or her county.

The Prosecuting Attorney is responsible for a wide array of legal functions for the County, including:

- Act as the chief law enforcement official in the County.
- Review, authorize and prosecute violations of felony and misdemeanor criminal laws of the State of Michigan and County ordinances committed inside the County.
- Authorize and prosecute felony and misdemeanor juvenile delinquency offenses.
- Represent the County in criminal matters before the District and Circuit Courts; juvenile delinquency, parental neglect and miscellaneous probate matters in the Family Court; and appeals in the Court of Appeals and Michigan Supreme Court.
- Advise the Michigan Department of Human Services on child abuse and neglect petitions, and actions to terminate parental rights.
- Attend contested mental health commitment hearings.
- Advise the County Board of Commissioners and other County departments on legal matters.

PROSECUTING ATTORNEY STAFF

Myrene K. Koch, Prosecuting Attorney  
Judith Kasson, Chief Assistant Prosecuting Attorney

Assistant Prosecuting Attorney

Steven J. Lanting  
Rachel E. Keeley  
Emily W. Jipp  
Elizabeth Peterson  
Meredith R. Beidler  
James R. Rolland  
Jeff Rhoa

Victim/Witness Coordinator

Emelda Calanchi-Pope

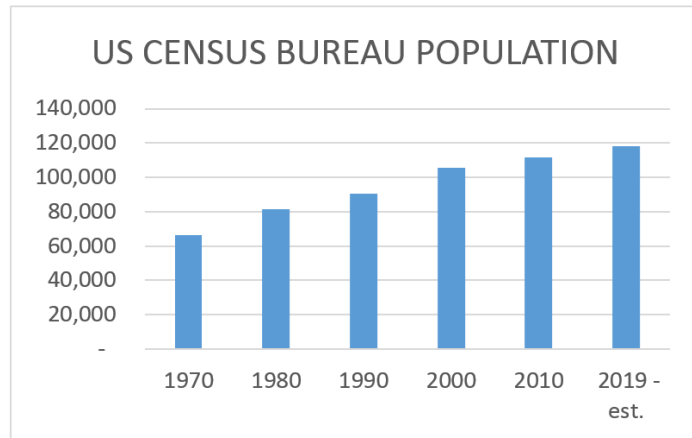
Support Staff

Paige Christman, Legal Administrative Specialist, II  
Jewell Raab, Legal Administrative Specialist  
Gina Shashaguay, Legal Administrative Specialist  
Tom Moore, Legal Administrative Specialist  
Nashell Miller, Legal Administrative Specialist  
Delora Andrus, Victim's Rights Specialist  
Dianne Yeaman, Irregular Part Time Legal Administrative Specialist  
Hilary Anes, Irregular Part Time Legal Administrative Specialist

**POPULATION**

Allegan County is one of the fastest growing counties in this state by population having increased from 90,509 in 1990 to 105,665 in 2000 and then 111,407 in 2010. That is an increase of 23.09 from 1990 to 2010. The U.S. Census Bureau estimates Allegan County's population at 118,081 in 2019. As a result, we have and will continue to experience the inevitable result of an increased workload with a limited staff.

Population by Year		% Increase
1970	66,575	
1980	81,555	22.5
1990	90,509	10.9
2000	105,665	16.7
2010	111,407	5.4
2019 - est.	118,081	5.99



<https://www.census.gov/quickfacts/fact/table/allegancountymichigan/PST045219>

According to Julie Mack in a story posted to MLive on April 18, 2019, *Michigan's population peaked at 10.09 million in 2006 and last exceeded the 10 million mark in 2008, on the eve of the Great Recession, according to U.S. Census Bureau estimates. With job losses hammering the state, the population dropped to 9.88 million by 2011, based on Census Bureau estimates. It's slowly increased since [then]. Among Michigan's 83 counties, Kent and Ottawa counties ranked Nos. 1 and 2 in population gains between 2017 and 2018. Allegan County is the 18<sup>th</sup> most populated county in Michigan, and ranks #7 in population growth.*

**CRIMINAL CASE CHARGING DUTY**

Under Michigan Law, it is the duty of the Prosecuting Attorney to decide "if" someone will be charged with a crime and the precise nature of that criminal prosecution. Police agencies submit their investigative reports to the Prosecuting Attorney to determine if a factual and legal basis exists to initiate prosecution. The Prosecuting Attorney has a great responsibility to properly review reports and properly charge suspects. Each investigative report, if it results in a charged crime, could result in a jury trial in District Court, Circuit Court, or Family Court/Probate Court; and a jury trial could cost Allegan County between \$300.00 and \$800.00 per day of trial. The graph on the following page shows the number of Adult and Juvenile charging requests and Abuse and Neglect charges received by our office since 2010.

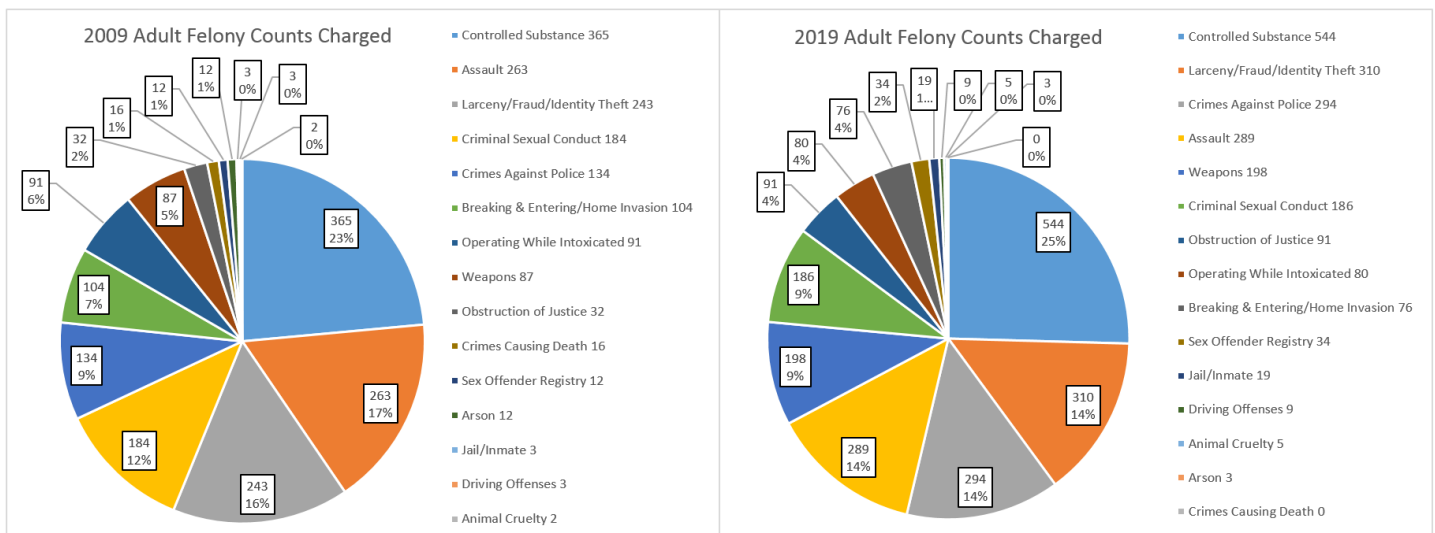
	Cases Entered in ACT/JCT						% of Charging Requests Denied		
	Adult	Denied	Juvenile	Denied	Ab/Neg	Total Rec'd	Total Denied		
2009								15.07%	Anderson/Bakker
2010	3889	682	547	103	178	4436	785	17.74%	Anderson/Bakker
2011	3901	575	486	99	194	4387	674	15.88%	Anderson/Kengis
2012	3761	615	516	88	228	4277	703	17.25%	Anderson/Kengis
2013	4307	655	448	75	221	4755	730	16.67%	Anderson/Kengis
2014	4062	633	503	85	147	4712	772	16.91%	Anderson/Kengis
2015	4237	496	434	77	146	4817	637	13.63%	Anderson/Kengis
2016	4308	512	436	77	151	4895	655	13.80%	Anderson/Kengis
2017	4827	496	438	71	76	5341	616	11.69%	Kengis/Koch
2018	5096	634	350	84	99	5545	771	14.15%	Koch/Kasson*
2019	4705	672	301	60	94	5100	732	14.62%	Koch/Kasson

\*Kengis PA 1/1/18-3/16/18 Koch PA 3/17/18-12/31/18

During the last year, this office reviewed 4447 adult criminal warrant requests, 301 juvenile delinquent petitions and 94 new Abuse and Neglect petitions. On average, the office received 20.26 requests for adult and juvenile charges each day in 2019. The numbers below show how many cases were entered into our Adult Case Tracking (ACT) System and Juvenile Case Tracking (JCT) System. **(PLEASE NOTE:** The number of Adult Cases entered above vs. the number listed on page 19 varies because the number above includes Civil and Other cases entered in ACT in which warrant request forms were not submitted by an agency. Civil and Other cases for 2019 is 258. The 4447 Warrant Requests received from page 19 added to 258 equals the 4705 listed above.)

It is important that the Office of Prosecuting Attorney have a sufficient staff of attorneys to not only be available to staff the eight courtrooms and hearing rooms with their Judges and Referees but to also have attorneys available to review arrest warrant requests and search warrants. Due to the serious nature of criminal cases and county civil liability, it is necessary for Assistant Prosecutors to have a sufficient amount of time to review investigative reports and prepare cases.

The types of crimes being committed in Allegan County has shifted somewhat over the years.



The two pie charts on the previous page help illustrate that point. In 2009 and 2019, Controlled Substances remained the #1 most charged crime with 365 and 544 counts respectively. In 2019, Crimes against the Police was the #5 most charged and in 2019 it was the 3<sup>rd</sup> most charged offense.

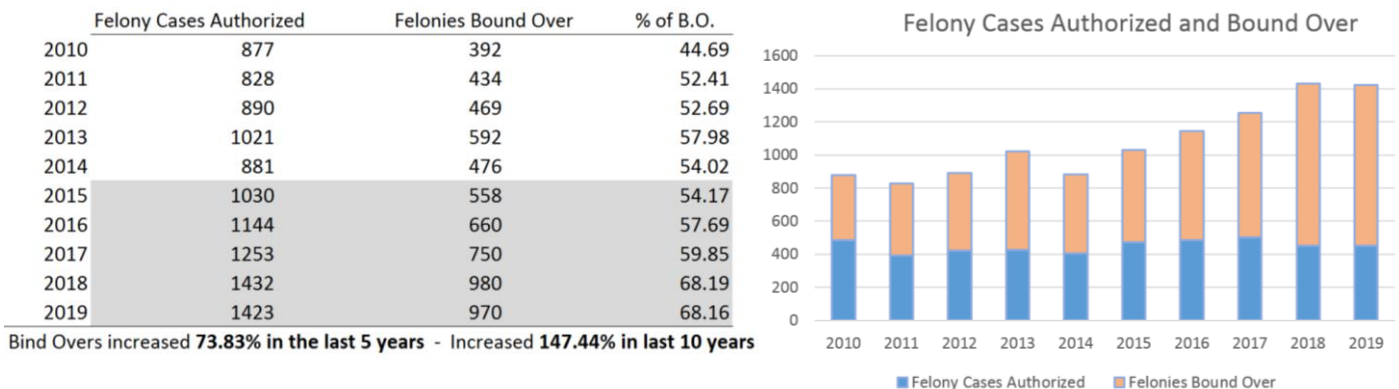
In 2008, Assaults were the 2<sup>nd</sup> most charged offense, and in 2019 it fell to #4, but the overall number still increased from 263 to 289. That is a 9.88 % increase.

Also, the laws themselves change regularly due to changes by the Michigan State Legislature. A charge that was once a Civil Infraction, can become a Misdemeanor, and likewise Misdemeanors become Civil Infractions or they may change to a Felony. For example in 2018, marijuana laws changed so that crimes that had been misdemeanors can now be Civil Infractions. Conversely, in 2015, Assault with Intent to do Great Bodily Harm changed to include strangulation, so a charge of Strangulation in the past was a misdemeanor, and now it is a felony.

The Prosecuting Attorney and staff have a tremendous impact on how the criminal element is handled in Allegan County. Economic pressures and constraints have been placed upon every segment of our governmental system. However, law enforcement (as well as our educational system) continues to be a vital link in our civilized society and must be protected. I point out to the Board of Commissioners that the Office of the Prosecuting Attorney is a constitutionally mandated office in Michigan County Government and the County must fund the office at a serviceable level.

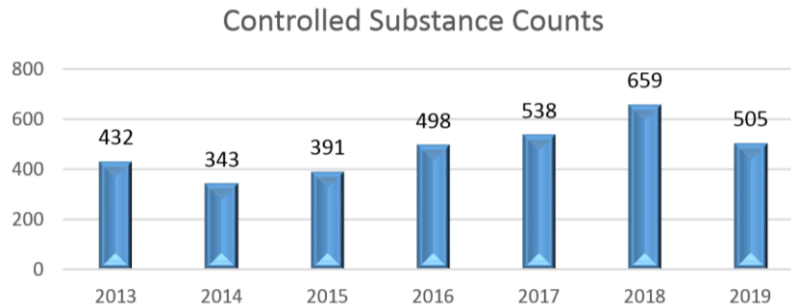
**CIRCUIT COURT – FELONY CASES**

The Circuit Court docket includes felony cases which are crimes where punishment is incarceration in excess of one year. Felony cases require significant staff time and multiple court appearances such as pre-exam hearings and preliminary examinations in District Court. If the case is bound over to Circuit Court, the Prosecuting Attorney is responsible for all proceedings at that level including pre-trials, motion hearings, pleas, Bench or Jury trials, and sentencing. All felony cases have strict time limits both for preliminary examinations (within 14 days) and trials (within 180 days). Allegan County has two Circuit Court Judges, who are primarily responsible for handling the adult felony cases.



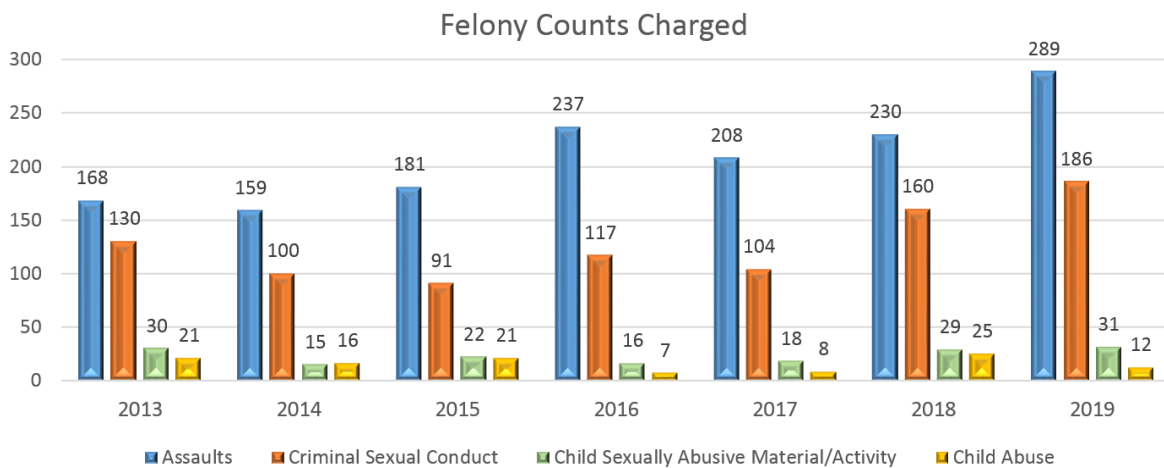
Controlled Substances

A large portion of our felony case load consists of controlled substance violations. Out of the 505 felony drug charges that were authorized, 383 or 75.84% of the drug cases were for Methamphetamine. Those charges are: Operating/Maintaining a Lab (1), Deliver/Manufacture Methamphetamine (27) and Possession of Methamphetamine (355). Of the 970 Felony Cases Bound Over during 2019, 52.06% were drug related and 39.38% were related to Methamphetamine.



Criminal Sexual Conduct

Criminal Sexual Conduct (CSC) charges, Child Sexually Abusive Materials and/or Activity (CSAM), Child Abuse and Assaults are included in the following graph.



Human Trafficking

In the last few years, Human Trafficking has come to the national forefront. It is defined as modern day slavery and includes recruiting, enticing, harboring, transporting or providing individuals for the purpose of forced labor or services. Traffickers use force, fraud, or coercion to lure their victims and

force them into labor or commercial sexual exploitation. The trauma caused by the traffickers can be so great that many may not identify themselves as victims or ask for help, even in highly public settings.

Many myths and misconceptions exist. Recognizing key indicators of human trafficking is the first step in identifying victims and can help save a life, and stop an offender. Not all indicators are present in every human trafficking situation, and the presence or absence of any of the indicators is not necessarily proof of human trafficking.

Prostitution

Prostitution is a criminal act that includes the trade, barter, or exchange of sexual acts with the expectation of the receipt of economic gain or opportunity. The notion of ‘gain’ expressed in the definition of Prostitution may vary in its classification with regard to personal circumstance on a case-by-case basis. Human trafficking can play a part in this crime when the expressed intent of engaging and arranging forced sexual activity in the form of Prostitution; this type of Prostitution can involve victims ranging from adults to children. The following chart shows the number of times Prostitution or Human Trafficking was charged in Allegan County in the last 5 years.

**HUMAN TRAFFICKING / PROSTITUTION**

	2015	2016	2017	2018	2019
Human Trafficking (M)	0	0	0	0	0
(F)	0	0	1	0	0
Prostitution (M)	0	1	1	1	0
(F)	0	1	7	0	0

Human Trafficking/Prostitution Charges		2015	2016	2017	2018	2019
Felony	Keeping a House of Ill Fame	0	0	1	0	0
	Prostitution/Pandering	0	0	2	0	0
	Prostitution/Accepting Earnings	0	0	2	0	0
	Prostitution/Transporting Person	0	0	2	0	0
	Human Trafficking of a Minor for Commercial Sexual Act	0	0	1	0	0
Misdemeanor	Prostitution/Engaging Services of	0	3	1	1	0
	Prostitution/Leasing House	0	0	0	0	0
		<b>0</b>	<b>3</b>	<b>9</b>	<b>1</b>	<b>0</b>

CIRCUIT COURT – FAMILY DIVISION

The Circuit Court – Family Division has one Family Court/Probate Judge, and two Hearing Attorney-Referees.

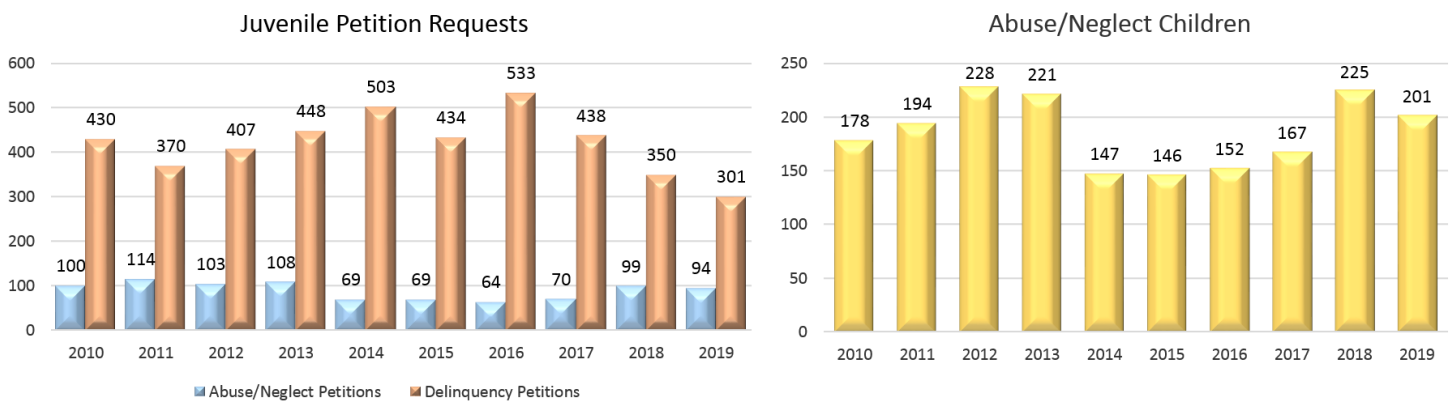
In the Family Court, the Prosecuting Attorney is charged with the responsibility of bringing cases of child neglect or abuse to the court, cases of juvenile delinquency, as well as involuntary commitments pursuant to the Mental Health Code in Probate Court.



In 2019, this office reviewed 301 requests for delinquency petitions, reviewed 94 petitions for new Abuse and Neglect cases, and filed 18 petitions to terminate the parental rights of one or both parents in Abuse and Neglect cases.

It is necessary to regularly appear for involuntary commitment hearings of the mentally ill. These hearings are held every month at the Kalamazoo Psychiatric Hospital (KPH). Our county is on a rotation schedule with 14 other counties, and our office attends 4 times a year. These Hearings require an APA from our office travel to Kalamazoo on the days our Probate Judge and his recorder are scheduled to conduct these hearings. Occasionally, our Probate Court will hear these hearings in Allegan County. During 2019, there were 13 hearings set in the Allegan County Probate Court that our office was required to attend. These cases include many people that are a serious threat to the public or themselves.

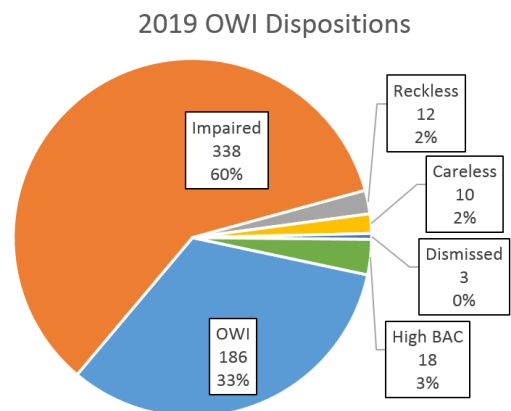
Below is the number of new Petitions received for Delinquency and Abuse/Neglect as well as how many children were involved in new Abuse and Neglect Cases authorized since 2010.



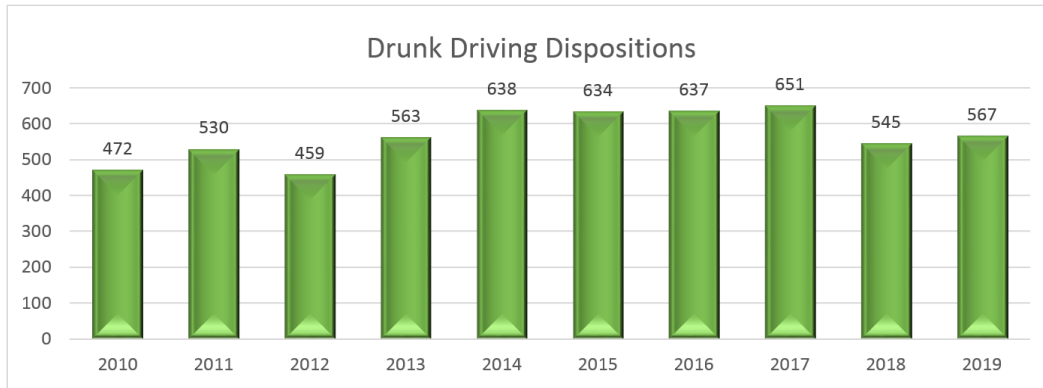
**DISTRICT COURT – MISDEMEANOR CASES**

Misdemeanor cases are crimes handled in District Court where punishment results in incarceration in the county jail for up to one year. Allegan County has two District Court Judges and a Hearing Magistrate. These types of cases are large in number and include, assaults (domestic and others), drunk driving, drug use or possession, and property crimes. As a matter of policy, this office has sought and received significant jail terms for repeat drunk drivers and domestic assault defendants.

In 2019, 92.41% (524) of the 567 individuals who were charged with Drunk Driving were convicted of either



Operating While Intoxicated (OWI) or Impaired Driving. The pie chart on the previous page shows what the final disposition was on individuals charged with OWI. The graph below shows the total number of Drunk Driving Case Dispositions from 2010 to 2019.



In some cases, OWI and Reckless Driving can rise to a Felony level. In 2016, there were 2 cases of OWI Causing Death, 7 cases of OWI Causing Serious Injury, and 1 case of Reckless Driving Causing Serious Injury.

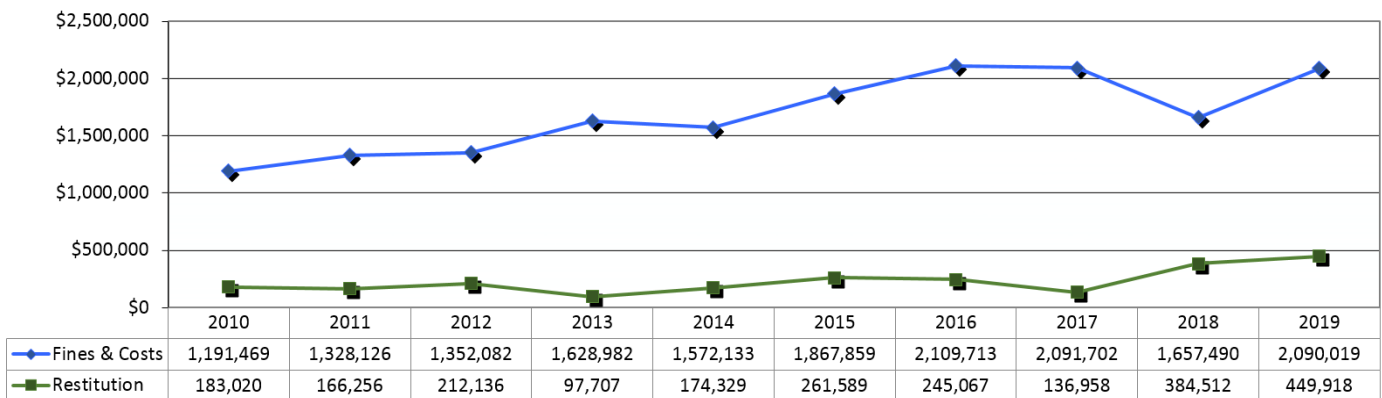
In 2017, there were 2 counts of OWI Causing Death, 5 counts of OWI Causing Serious Injury, and 1 count of Reckless Driving Causing Serious Injury.

In 2018, there were 4 counts of OWI Causing Death, 7 counts of OWI Causing Serious Injury, 1 count of Reckless Driving Causing Death, and 2 counts of Reckless Driving Causing Serious Injury.

In 2019, there were 74 felony level Operating While Intoxicated counts authorized and 2 counts of Felony level Operating with a High BAC.

**MISDEMEANOR FINES, COSTS & RESTITUTION**

The chart below shows what the District Court has ordered in regards to fines, costs, and restitution where this office has actively been involved.



### DOMESTIC VIOLENCE

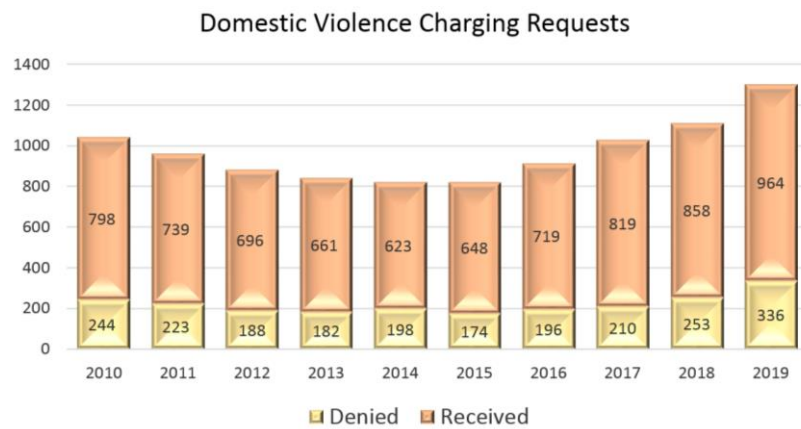
Domestic Violence is abuse perpetrated by one or both partners involved within an intimate or family relationship. Domestic Violence is considered to be fairly expansive in nature, due to the fact that it may include a wide range of victims, activities, and vary in severity. The term “Domestic Violence” can include physical assault, property damage, arson, home invasion, weapons charges, telephone misuse, interfering with electronic communication (interrupting a phone call for help), stalking, emotional abuse, unlawful imprisonment, sexual abuse, and homicide.

Domestic Violence can take place within a variety of intimate relationships, including married couples, individuals who are cohabitating, individuals considered to be intimately involved or child/parent relationship. Domestic Violence is not specific to sexual orientation or economic group.

When children are subjected to Domestic Violence it can often result in the perpetuation of violence.

Despite the existence of institutions providing resources, shelter, and assistance through the legal system, it is estimated that only about 50% of Domestic Violence cases are reported.

The graph on the right outlines the number of requests we receive each year for charges relating to Domestic Violence.



In 1998, the 57<sup>th</sup> District Court, at the request of this office and the Allegan County Domestic Violence Task Force, implemented a Domestic Violence Diversion Program where first-time offenders are given the opportunity to receive counseling and avoid criminal convictions. The pre-requisites for acceptance into the program are specific, and one cannot qualify if there is aggravated physical injury or a history of Domestic Violence. The goal of the program is to stop the cycle of violence. The statistics from the 57<sup>th</sup> District Courts Annual Report are extremely encouraging for successful results from this program.

In 2015, a change in the law made strangulation a 10 year felony, instead of a 93 day misdemeanor. Our office held training for local law enforcement outlining the changes in the laws. In 2015 our office charged 11 counts of Assault Causing Great Bodily Harm Less Than Murder and 38 counts of Strangulation. In 2016 our office charged 15 counts of Assault Causing Great Bodily Harm Less Than

Murder and 54 counts of Strangulation. In 2017, our office charged 38 counts of Assault Causing Great Bodily Harm Less Than Murder and 18 counts of Strangulation. In 2018 our office charged 55 counts of Assault Causing Great Bodily Harm Less Than Murder, which at that point encompasses strangulation as well. In 2019, there were 56 counts of Assault Causing Great Bodily Harm Less Than Murder.

### SPECIALTY COURTS

As the Chief Law Enforcement Officer, it is an important part of our duties to respond to concerns of the community. One example is the participation of this office in the use of the Allegan County Mental Health Court, the Drug Treatment Court, West Michigan Regional Veterans' Treatment Court and Sobriety Treatment Courts. These programs require assigning an Assistant Prosecuting Attorney to attend program meetings and hearings in court.

#### Mental Health Treatment Court

On September 14, 2009, Judge Skocelas together with representatives from the Allegan County Sheriff's Department, Allegan City Police, Allegan County Prosecutor's Office, Allegan County Community Mental Health, Michigan State Police, local defense attorneys and local substance abuse providers (OAR) to create a Mental Health Treatment Court.

During the year 2019, 24 people applied to the program, 5 people were admitted into the program, and 19 people were rejected. 17 people graduated successfully from the program. The number of graduates included participants that were admitted in 2018 as well as 2019.

#### Drug Treatment Court

The first participant was admitted into the Adult Drug Treatment Court on June 30, 2011 and is presided over by District Court Judge Baillargeon. The Allegan County Drug Treatment Court addresses the revolving-door cycle in which drug and alcohol offenders moved in and out of the justice system. Drug Treatment Court provides a comprehensive, sustained continuum of therapeutic interventions, treatment and other services to increase a participant's periods of abstinence and reduce relapse, re-arrest and subsequently incarceration.

During 2019, 35 people applied for the program. 6 people were admitted, 29 were rejected and 4 graduated from the program. The number of graduates included participants that were admitted in 2018 as well as 2019.

### Veteran's Court

The West Michigan Regional Veterans' Treatment Court began operation on February 7, 2014 and Magistrate Daniel Norbeck is the Administrator/Case manager. The jurisdiction of the Veteran's Treatment Court is that of both the district and circuit courts of Allegan, Van Buren and Ottawa counties, but also accepts veterans from surrounding counties. It was developed and organized by Judge Baillargeon and the treatment court team to help veteran participants address underlying service related issues.

Partnering with the court from all three counties are county commissioners, judges, prosecutors, probation, law enforcement, mentors, community supervision providers, treatment providers, the Veterans Health Administration, Veterans Benefit Administration, veteran employment representatives and veterans service organization service officers.

During the year 2019, 8 people applied for the program. 4 people were admitted and 8 graduated successfully. The number of graduates included participants that were admitted in 2018 as well as 2019.

### Sobriety Treatment Court

The Sobriety Court was established in April of 2018 and is presided over by Judge Baillargeon. This was specifically designed to address Operating While Intoxicated (OWI) 2<sup>nd</sup> Offense. This program has three goals: divert from jail, eliminate substance use among substance abusers and to reduce OWI recidivism.

During the year 2019, 24 people applied to the program, 13 were admitted, 11 were rejected and 21 graduated successfully. The number of graduates included participants that were admitted in 2018 as well as 2019. Sobriety Court currently has 3 therapy groups with a maximum of 10 people allowed in each group at one time. This is the only Specialty Court that has a limit of how many people can be in at one time.

### OTHER CASE DUTIES

The Prosecuting Attorney also is responsible for enforcement of approximately 253 mandated duties created by 373 different statutes including from advising various county departments and agencies to making sure the annual county real estate tax sale is completed correctly.

This office is a part of the Southwest Michigan Enforcement Team (SWET). The team's top priorities are to: reduce the number of lives lost due to drug overdoses, investigate, dismantle, and successfully prosecute major drug trafficking organizations and be an investigative resource to police

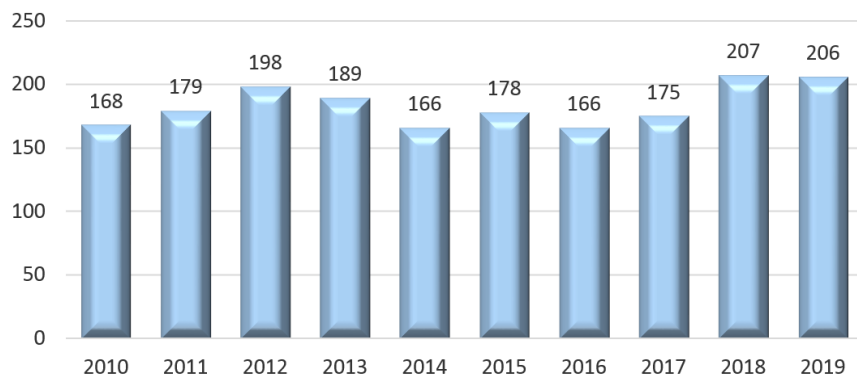
agencies in Southwest Michigan. SWET is comprised of sworn Law Enforcement personnel from the Berrien County Sheriff’s Office, Allegan County Sheriff’s Office, Allegan City Police Department, Barry County Sheriff’s Office, Calhoun County Sheriff’s Office, Covert Township Police Department, Kalamazoo County Sheriff’s Office, Kalamazoo Township Police Department, Michigan State Police, South Haven City Police Department, St. Joseph County Sheriff’s Office and Sturgis City Police Department.

SWET is funded in part by the Michigan HIDTA (High Intensity Drug Trafficking Area) as well as the U.S. Department of Justice, Byrne JAS Grant. As a member of this team, our office will now receive 20% of any contested civil forfeiture and 10% of any administrative civil forfeiture.

The Allegan County Prosecutor’s Office participates in the Allegan County Child Abuse Multi-Disciplinary Team as a part of a memorandum of understanding with 10 other agencies pursuant to the Child Abuse Investigation Protocol mandated by the State of Michigan. The team reviews all cases of suspected child sexual abuse

and severe physical abuse. The reviews include monitoring child forensic interviews and a monthly case review process of those interviews. On average, this team reviews approximately 140 cases of child abuse, criminal sexual

**Forensic Interviews**



conduct and child sexually abusive material every month. An interview of a child typically takes one hour to complete, and assistant prosecutors are present for that part of the investigation. Interviews are conducted by a trained forensic specialist, while the remainder of the team views the interview over closed circuit video at the Safe Harbor Children’s Advocacy Center or through the use of poly-com technology from the Prosecutor’s Office. This system was made possible by a grant through Safe Harbor and allows Assistant Prosecutors to be present for the interviews while not leaving the office.

**ON CALL DUTIES**

A Prosecuting Attorney is on call twenty-four hours a day. The Prosecutor is required to consult with police agencies, issue arrest warrants even during evenings, weekends and holidays and be available to prepare search warrants (which are usually needed at the most inconvenient times).

### OTHER ACTIVITIES

The Prosecuting Attorney continues to be active in several different areas related to criminal justice. The involvement includes membership and participation in the following agencies and organizations:

- Vice President - Board of Directors of *Safe Harbor Child Advocacy Center*,
- Co-Chair - *Allegan County Coordinating Council on Domestic Violence*,
- Chair - *Case Review Multi-Disciplinary Team*,
- Chair - *Child Advocacy Center Advisory Committee*
- Member - *Allegan County Substance Abuse Prevention Counsel*,
- Member - *Prosecuting Attorney Association of Michigan*,
- Member - *Child Death Review Committee*,
- Member - *MACC*
- Chief Chair - *Allegan County Law Enforcement Council (ACLEC)*
- Trainer for the *Prosecuting Attorney Association of Michigan*
- Member - *Allegan County Safe Schools Committee*,

### OFFICE UPDATES

#### Canine Advocate - Joey

In 2019, our office received our newest Victim Advocate, Joey. Joey, our K9 Advocate, began working with us July 11, 2019. He is a yellow lab. His primary handler is Emelda Calanchi-Pope, our Victim/Witness Coordinator, and his secondary handler is Judy Kasson, our Chief Assistant Prosecutor. Joey was sworn in at a ceremony on Wednesday, September 18, 2019 at 3:00pm in Circuit Court.



Joey received nearly \$40,000 worth of training through Leader Dogs for the Blind and the Canine

Advocacy Program. We were able to secure grant funding to cover his costs.



Joey has a Facebook page (Joey – Allegan County K9 Advocate) and posts positive messages and pictures in support of various events, such as Domestic Violence Awareness Month, Anti-Bullying day, the 4<sup>th</sup> of July, etc.

Joey has also visited other offices in the court house for Halloween and Valentine's Day as a way to support and bring a little joy to other people's day.

#### New Employees in 2019

Delora Andrus, Victim Rights Specialist. Started 04/08/2019

Meredith Beidler, Assistant Prosecuting Attorney. Started 05/23/2019

Jay Rolland, Assistant Prosecuting Attorney. Started 06/24/2019.

Joey, Canine Advocate. Started 07/11/2019

Janie Hernandez, Part Time Victim Advocate. Started 11/25/2019

Jeff Rhoa, Assistant Prosecuting Attorney. Started 12/11/2019

#### New Initiatives

1. Meth Regional Task Force
2. Translation of Victim Rights forms
3. Translation services for victim appointments
4. Increase training county wide

#### **CRIME VICTIM ASSISTANCE**

Most crime victims experience physical suffering, financial loss, and emotional distress. Physical injuries occur in nearly one-third of all violent crimes. Our Victim Assistance Program provides an extensive notification service to victims to advise them of each court proceeding as their case moves through the court system. In 2019, the Victim Assistance Program provided over 8995 contacts with victims throughout the year. This is a very important function of this office and is mandated by the Crime Victims Rights Act. During 2019, our office provided services by way of letter, telephone contact and email, providing support to victims in court and providing appointments with victims of various crimes. The Victim/Witness Coordinator serves as the primary contact for victims of Domestic Violence, Criminal Sexual Conduct, Drunk Driving or Driving Under the Influence of Controlled Substance Causing Death or Serious Injury. This contact includes explaining of rights, court procedures, services, shelter alternative and assistance. Our Victim Assistance Program is funded by a grant of \$163,378.00 from the Michigan



Crime Victim Services Commission. This fund is used to employ both a full time Victim Rights Coordinator, full time Victim’s Rights Secretary, and a part time Victim Advocate Specialist, who will assist the Victim/Witness Coordinator.

The Allegan County Victim/Witness Coordinator has a Bachelors Degree in Psychology with over twenty-nine years of experience working with child and adult victims.

### APPEALS

Each person who is convicted of a crime in Michigan is entitled to appeal his or her conviction. The Prosecuting Attorney has the obligation to represent Allegan County in opposing each appeal. Appellate cases require meticulous research in the preparation of lengthy legal briefs, as well as appearances in the various appellate courts. These are vitally important areas of endeavor. If we are not successful in the appeals in the higher courts of the state, the efforts of our office as well as the police departments are futile.

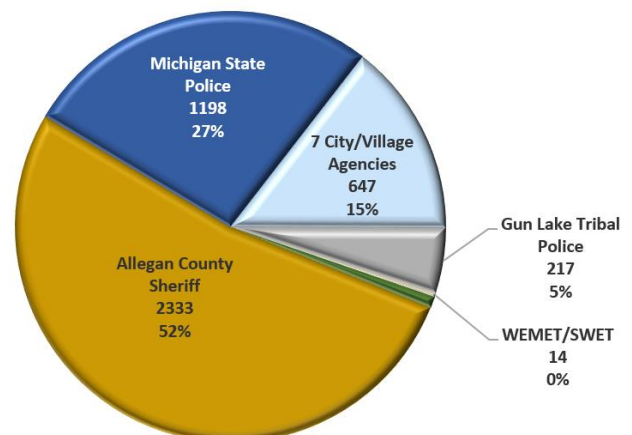
In 2019, our office filed 12 post-conviction pleadings with, as well as attended 2 oral arguments at the Michigan Court of Appeals in Grand Rapids. During this same time 14 pleadings and 44 correspondences were received and reviewed for cases pending in the Court of Appeals. Our office filed 1 pleadings with the Michigan Supreme Court while receiving 7 pleadings and 6 correspondences. Our office also filed 14 post-conviction pleadings on appeals in the Circuit Court, either as appeals from the District Court, remands from the Court of Appeals, or in post-conviction matters. Our office received 40 pleading and correspondences for appeals in Circuit Court. From those, 6 hearings were attended in the Circuit Court.

### LAW ENFORCEMENT AGENCIES

This office serves all the law enforcement agencies in Allegan County including the Sheriff’s Office, the State Police, DNR, and the Cities of Plainwell, Otsego, Wayland, Holland, Allegan, Douglas, Fennville and Gun Lake Tribal Police Department. The Gun Lake Tribal Police was established in 2012.

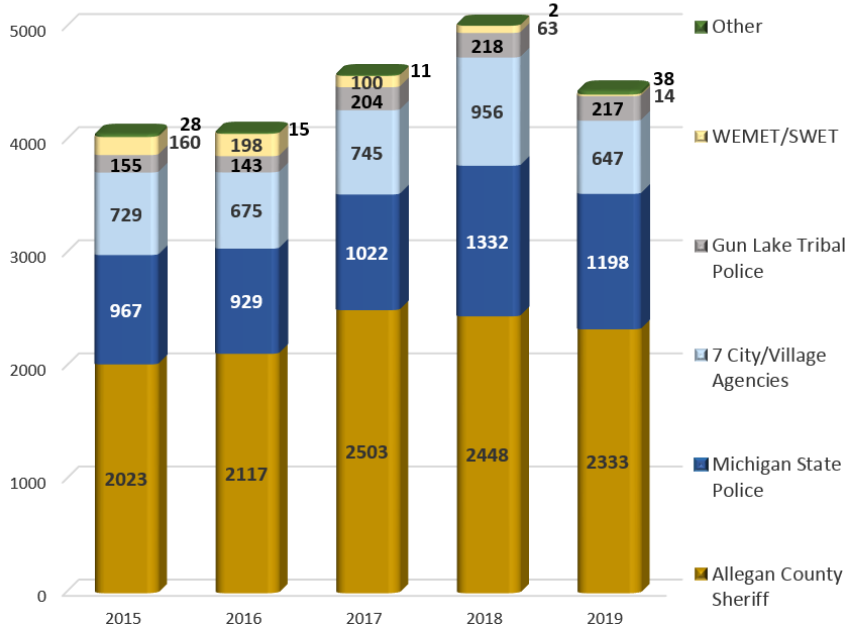
As the gatekeeper of all criminal activity from the policing agencies to the court system it is critical to our criminal justice system to adequately staff the Office of the Prosecuting Attorney and not compromise the public safety of the citizens of Allegan

2019 Agency Request for Warrants



County. The pie chart on the previous page shows of all the charging requests we received in 2019, what the percentage was from each department. Below is a graph showing what the agencies have submitted

Agency Requests for Warrants



over the last 5 years. The chart below shows all the agencies that have submitted warrant requests since 2012.

	2012	2013	2014	2015	2016	2017	2018	2019
<b>Allegan County Sheriff's Dept.</b>	1933	2167	1957	2023	2117	2503	2448	2333
<b>Michigan State Police</b>	638	960	933	967	929	1022	1332	1198
<b>All Local City &amp; Village Agencies:</b>								
Allegan PD	223	187	185	155	176	167	199	223
Fennville PD		20	10	8	17	15	19	10
Hopkins PD	8	11	8	1	1	1	-	-
Holland PD	30	24	19	22	18	11	7	34
Otsego PD	93	118	97	106	85	106	116	120
Plainwell DPS	136	148	124	123	100	129	123	100
Saugatuck/Douglas PD	132	124	126	127	120	126	-	-
Douglas PD (2018)	-	-	-	-	-	-	31	60
Wayland PD	185	162	184	184	157	189	170	99
<b>Total City/Village Agencies</b>	<b>807</b>	<b>795</b>	<b>754</b>	<b>729</b>	<b>675</b>	<b>745</b>	<b>956</b>	<b>646</b>
<b>Gun Lake Tribal Police</b>	58	114	122	155	143	204	218	217
<b>WEMET/SWET</b>	122	107	89	160	198	100	63	14
<b>All Other Agencies:</b>								
Dept of Nat. Resources	24	32	14	21	4	5	14	27
Office of Insp. General	23	24	57	2	4	5	5	6
SCAR	3	4	-	4	3	1	1	2
Dept. Environ. Quality	-	-	1	1	0	-	0	-
Alpena Co.	-	-	-	-	-	-	1	-
Barry Co.	1	-	1	-	-	-	-	1
Berrien Co.	-	-	1	-	-	-	-	-
Kalamazoo Co.	-	-	-	-	-	-	-	-
Kent Co.	-	-	-	-	-	-	-	-
Ottawa Co	-	-	1	-	4	-	1	2
Van Buren Co.	4	3	-	-	-	-	-	-
Kalamazoo City PD	-	-	-	1	-	-	-	-
Grand Haven City PD	-	-	-	1	-	-	-	-
South Haven City PD	-	-	1	-	-	-	-	-
Hastings City PD	-	-	-	-	1	1	-	1
Wyoming City PD	-	1	-	-	-	-	-	-
Zeeland City PD	-	-	-	1	-	-	-	-
<b>Total All Other Agencies</b>	<b>55</b>	<b>63</b>	<b>75</b>	<b>28</b>	<b>15</b>	<b>11</b>	<b>22</b>	<b>39</b>
<b>Yearly Totals</b>	<b>4475</b>	<b>5064</b>	<b>4759</b>	<b>4819</b>	<b>4767</b>	<b>5341</b>	<b>5726</b>	<b>4447</b>

CONCLUSION

I look forward to working with other members of the law enforcement community to help make Allegan County a safe place in which to work, live, and raise a family.

Respectfully submitted,  
Myrene K. Koch  
Prosecuting Attorney

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 9/18/20 and 9/25/20; 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 2020 Claims folder of the Commissioners' Record of Claims.

September 18, 2020

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund - 1010	167,399.85	167,399.85	
Park/Recreation Fund - 2080	2,008.00	2,008.00	
Central Dispatch/E911 Fund - 2110	104,830.16	104,830.16	
Central Dispatch CIP - 2118	426.67	426.67	
Friend Of the Court Office - 2151	84.32	84.32	
Health Department Fund - 2210	2,240.96	2,240.96	
Solid Waste - 2211	42,993.35	42,993.35	
Transportation Grant - 2300	47,488.20	47,488.20	
Multi Agency Collaborative Committee - 2400	261.90	261.90	
Capital Improvement Fund - 2450	28,245.70	28,245.70	
Register of Deeds Automation Fund - 2560	559.87	559.87	
Palisades Emergency Planning Facility UP - 2630	5,037.28	5,037.28	
Grants - 2790	13,887.49	13,887.49	
Victims Rights Grant - 2791	400.00	400.00	
Child Care-Circuit/Family - 2921	52,283.71	52,283.71	
Senior Millage - 2950	759.59	759.59	
Wayland Refunding 2012 - 3670	125.00	125.00	
Drain Equip Revolving - 6390	7.20	7.20	
Fleet Management - 6612	229.63	229.63	
Self-Insurance Fund - 6770	1,026.75	1,026.75	
Drain Fund - 8010	47,380.47	47,380.47	
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>\$517,676.10</b>	<b>\$517,676.10</b>	

September 25, 2020

	TOTAL AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT DISALLOWED
General Fund - 1010	80,815.34	80,815.34	
Park/Recreation Fund - 2080	292.93	292.93	
Central Dispatch/E911 Fund - 2110	3,304.99	3,304.99	
Central Dispatch CIP - 2118	2,531.64	2,531.64	
Friend Of the Court Office - 2151	2,688.45	2,688.45	
Health Department Fund - 2210	5,980.13	5,980.13	
Solid Waste - 2211	15,578.55	15,578.55	
Transportation Grant - 2300	3,320.21	3,320.21	
Multi Agency Collaborative Committee - 2400	218.25	218.25	
Capital Improvement Fund - 2450	622.33	622.33	
Animal Shelter - 2550	6,250.00	6,250.00	
Indigent Defense - 2600	233.95	233.95	
Palisades Emergency Planning Facility UP - 2630	125.95	125.95	
Grants - 2790	2,120.90	2,120.90	
Victims Rights Grant - 2791	272.27	272.27	
Child Care-Circuit/Family - 2921	8,615.97	8,615.97	
Senior Millage - 2950	1,533.15	1,533.15	
Delinquent Tax Revolving Fund - 6160	7,377.63	7,377.63	
Tax Reversion - 6200	63.88	63.88	
Drain Equip Revolving - 6390	1,935.00	1,935.00	
Fleet Management - 6612	105.87	105.87	
Self-Insurance Fund - 6770	971.47	971.47	
Drain Fund - 8010	26,418.65	26,418.65	
<b>TOTAL AMOUNT OF CLAIMS</b>	<b>\$171,377.51</b>	<b>\$171,377.51</b>	

**THEREFORE BE IT RESOLVED** that the Board of Commissioners adopts the report of claims for 9/18/20, 9/25/20 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

**EMERGENCY MANAGEMENT—APPROVE LATEST EMERGENCY OPERATIONS PLAN**

**WHEREAS**, averting the threat of, or minimizing the effects of natural, technological and/or man-made disasters upon Allegan County lives and property is an appropriate governmental responsibility best addressed by the creation, communication, and implementation of an Emergency Operations Plan; and

**WHEREAS**, the preparedness to cope with the threat of, or the effects of a disaster requires an integrated deployment of public, private and individual citizen resources through an integrated emergency management system; and

**WHEREAS**, the National Incident Management System (NIMS) recognizes the potential deployment of various multi-jurisdictional resources to respond to a disaster, or threat thereof, and provides a coordinated organizational structure that will assure a consistent, nationwide, emergency management response regardless of the cause, size or complexity of a disaster; and

**WHEREAS**, the Allegan County Emergency Operation Plan is responsive to the federal requirements contained in the NIMS and subject to approval by the State of Michigan and the Federal Emergency Management Agency (FEMA); and

**WHEREAS**, pursuant to Act 390 of the P.A. of 1990, Allegan County has established the Allegan County Emergency Management Division and, to the limits of its capabilities, the Emergency Management Division is responsible for the disaster preparedness activities within Allegan County.

**THEREFORE, BE IT RESOLVED** that the Allegan County Board of Commissioners hereby approves the 2020 Emergency Operations Plan as presented; and

**BE IT FURTHER RESOLVED**, that the Board Chairperson is authorized to approve modifications to the 2020 plan in coordination with State FEMA and sign the necessary documents on behalf of the County; and

**BE IT FINALLY RESOLVED** that the approved Emergency Operations Plan is to be filed in the Clerk's Office at the Allegan County Courthouse.

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

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

**2020 MILLAGE LEVY—SET ADDITIONAL COUNTY MILLAGE RATE**

**WHEREAS**, on June 11, 2020, that the Board approved millages to be levied throughout the County of Allegan in the year of 2020 totaling 5.9841; and

**WHEREAS**, on August 4, 2020, the voters of Allegan County passed the Medical Care Facility at 0.25 mils.

**THEREFORE, BE IT RESOLVED** that the Board of Commissioners hereby approves the revised L-4029, as attached, in which the Medical Care Facility millage will be levied throughout the County of Allegan in the year of 2020 (winter); and

**FINALLY BE IT RESOLVED** that the Board Chairperson and County Clerk are authorized to sign the necessary documents on behalf of the Board.

**2020 TAX RATE REQUEST** (This form must be completed and submitted on or before September 30.)  
**MILLAGE REQUEST REPORT TO COUNTY BOARD OF COMMISSIONERS**

County	ALLEGAN	2020 Taxable Value of All Properties as of	5,161,479,818
Local Government Unit	ALLEGAN COUNTY		

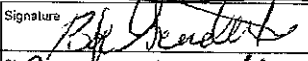

PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE CAREFULLY.

You must complete this form for each unit of government for which a property tax is levied. Penalty for non-filing is provided under MCL Sec. 211.119.  
The following tax rates have been authorized for levy on the 2020 tax roll.

(1) Source	(2) Purpose of Millage	(3) Date of Election	(4) Original Millage Authorized by Election, Charter, etc.	(5) 2019 Millage Rate Permanently Reduced by MCL 211.34d "Headlee"	(6) 2020 Current Year "Headlee" Millage Reduction Fraction	(7) 2020 Millage Rate Permanently Reduced by MCL 211.34d "Headlee"	(8) Sec. 211.34 Truth in Assessing or Equalization Millage Rollback Fraction	(9) Maximum allowable Millage Rate*	(10) Millage Requested to be Levied July 1	(11) Millage Requested to be Levied Dec. 1	(12) Expiration Date of Millage Authorized
ALLOCATED	OPERATING	11/2/1965	5.7000	4.5407	0.9938	4.5125	1.0000	4.5125	4.4925		UNLIMITED
	Op Vet			0.0000	0.9938	0.0000	1.0000	0.0000	0.0200		UNLIMITED
EXTRA VOTED	ROADS	8/7/2018	1.0000	0.9919	0.9938	0.9857	1.0000	0.9857		0.9857	12/31/2023
EXTRA VOTED	SENIOR SERVICES	8/7/2018	0.4930	0.4890	0.9938	0.4859	1.0000	0.4859		0.4859	12/31/2021
EXTRA VOTED	MEDICAL CARE FACILITY	8/4/2020	0.2500	1.0000	1.0000	0.2500	1.0000	0.2500		0.2500	12/31/2029
Total Authorized (exclude debt)								6.2341			
Prepared by Matthew Woolford MMAO	Co-Sign -- Verified by		Title EQUALIZATION DIRECTOR		Co-Sign Title		Date-CED 9/14/2020	Co-Sign Date			

As the representatives for the local government unit named above, we certify that these requested tax levy rates have been reduced, if necessary, to comply with the state constitution (Article 9, Section 31), and that the requested levy rates have also been reduced, if necessary, to comply with MCL Sections 211.24e, 211.34, and for LOCAL school districts which levy a Supplemental (Held Harmless) Millage, MCL 380.1211(3).

- Clerk
- Secretary
- Chairperson
- President

Signature		Type Name	Bob Genetski, Clerk - Register	Date	9/15/20
Signature		Type Name	Jim Storey, Chairperson	Date	9/17/20

\*Under Truth in Taxation, MCL Section 211.24e, the governing body may decide to levy a rate which will not exceed the maximum authorized rate allowed in column 9. The requirements of MCL 211.24e must be met prior to levying an operation levy which is larger than the base tax rate but not larger than the rate in column 9.

\*\* IMPORTANT: See enclosed instructions for the correct method of calculating the millage rate in column (5).

Local School district Use Only. Complete if requesting millage to be levied. See STC Bulletin 2 of 2008 for instructions on completing this section.

Total School District Operation Rates to be Levied (HH/Supp and NH Oper Only)	
For Principal Residence, Qualified Ag, Qualified forest and Industrial Personal	
For Commercial Personal	
For all Other	



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

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

**MICHIGAN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR  
CDBG CARES FUNDING—SET PUBLIC HEARING**

**WHEREAS**, on August 13, 2020, the Board of Commissioners approved the application for and acceptance of CARES reimbursement for COVID expenditures for a total of \$320,354 or greater if permitted by the program from January 21, 2020 through December 31, 2020; and

**WHEREAS**, for compliance purposes a public hearing is necessary.

**THEREFORE BE IT RESOLVED** the Board of Commissioners sets a public hearing at 7:00 P.M. at the Annual Board Meeting on October 8, 2020, for the purpose of affording citizens an opportunity to submit comments on the proposed application for a CDBG Cares Funding Grant.

**COUNTY OF ALLEGAN  
MICHIGAN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR CDBG  
CARES FUNDING**

The Board of Commissioners of the County of Allegan will hold a public hearing on October 8, 2020, at 7:00PM at the **County Services Building, 3283—122<sup>nd</sup> Avenue, Allegan, Michigan** for the purpose of affording citizens an opportunity to submit comments on the proposed application for a CDBG grant.

The County proposes to use \$320,353.77 of CDBG funds mass COVID testing and benefit at least 51% low to moderate income persons. Zero persons will be displaced as a result of the proposed activities.

A copy of the County's Community Development Plan and CDBG Application may be examined online at [www.allegancounty.org](http://www.allegancounty.org) under News Media Room or on weekdays at the Office of the Allegan County Administrator (address below), between 8:00AM and 5:00PM.

The County will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the public hearing upon one (1) week notice. Individuals requiring auxiliary aids or services should contact the following in writing or by telephone:

Robert J. Sarro,  
County Administrator,  
3283 – 122nd Avenue,  
Allegan, Michigan, 49010  
269-673-0239

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

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

**2021 FINAL BUDGET-SET PUBLIC HEARING**

**WHEREAS**, consistent with the Uniform Budgeting Act, the County Administrator has submitted a recommended balanced budget to the Board of Commissioners; and

**WHEREAS**, the Board of Commissioners has accepted the recommended budget for final consideration.

**THEREFORE BE IT RESOLVED** that along with consideration of the final proposed budget, the Board of Commissioners has set a public hearing at 7:00 P.M. at the Annual Board Meeting on October 8, 2020, for review of the 2021 budget.

PUBLIC NOTICE  
2021 ALLEGAN COUNTY PROPOSED FINAL BUDGET

The Board of Commissioners of the County of Allegan will hold a budget hearing on Thursday, October 8, 2020, for all interested citizens of Allegan County.

The hearing will take place at 7:00PM in the Board Room, County Services Building, 3283-122nd Avenue, Allegan, Michigan, for the purpose of discussion of the proposed budget. The proposed budget may be examined online at [www.allegancounty.org](http://www.allegancounty.org) under News Media Room or on weekdays at the Office of the Allegan County Administrator (address below), between 8:00AM and 5:00PM. All interested citizens will have the opportunity to give written and/or oral comment.

The County will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the public hearing upon one (1) week notice. Individuals requiring auxiliary aids or services should contact the following in writing or by telephone:

Robert J. Sarro,  
County Administrator,  
3283 – 122nd Avenue,  
Allegan, Michigan, 49010  
269-673-0239

BOB GENETSKI  
ALLEGAN COUNTY CLERK-REGISTER

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

## BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

**SHERIFF'S OFFICE – AWARD BODY SCANNING SYSTEM BID**

**WHEREAS**, the Board of Commissioners (Board) appropriated \$160,000 in the 2020 budget (fund #2450 - CIP Public Improvements Fund) to replace the body scanning system at the Sheriff's Office; and

**WHEREAS**, the current equipment is inoperable; replacement will also allow for increased social distancing, which is an effective COVID control measure; and

**WHEREAS**, following a competitive bidding process and an evaluation of proposals received, the Proposal Evaluation Team is recommending award of this procurement to TEK-84.

**THEREFORE BE IT RESOLVED** that the Board hereby awards the bid to replace the body scanning system at the Sheriff's Office to TEK-84, Inc., 13495 Gregg Street, Poway, California, 92064, for a not to exceed amount of \$139,000.00; and

**BE IT FURTHER RESOLVED** the County Administrator is authorized to seek reimbursement through any available COVID related funding; and

**BE IT FINALLY RESOLVED** that the County Administrator is authorized to negotiate a final contract and sign the necessary documents on behalf of the County and that the Executive Director of Finance is authorized to make the necessary budget adjustments to complete this action.



ALLEGAN COUNTY  
REQUEST FOR ACTION FORM

Completed RFA form must be attached to a work order request through the Track-It System. If you have any questions regarding this process, please contact Administration @ ext. 2633.

RFA#: 194-775  
Date: 9/10/2020

Request Type Purchases - Capital Budget Select a Request Type to reveal and complete required form.  
Department Requesting Sheriff  
Submitted By Valdis Kalnins on behalf of Jim Miller  
Contact Information x2532

Item(s):  

Body Scanner for County Jail Booking

Total Bid Price \$139,000.00  
Budgeted?  Yes  No  
No. Bids Sent 7.00  
No. Bids Received 2.00

Prebid or Qualifications:  

None

Recommendation of Award:  

Tek 84

Equipment / Service / Supplies:  

Body Scanner for County Jail Booking

Where it was advertised County Website and Invitation to Bid emailed to known vendors

**REMINDER - Include Tabulation Sheet**

**BID PRESENTATION FOR PROJECT #:** 11025-20  
Project Name: **Body Scanner**  
Service Area: **Sheriff's Office**  
Budgeted Amount: \$ 160,000.00  
Bid Amount: \$139,000.00  
Difference: \$21,000.00  
Over/Under Budget UNDER

Evaluation Team: Jim Miller, Valdis Kalnins  
Award Recommendation: TEK-84  
Award Criteria: Low bidder, satisfactory product and  
References supplied and checked? Yes  
Debarred party? No

<b>VENDOR TABLE</b>	<b>Vendor 1</b>
Company Name	Adani Systems
Company Address1	15235 Akron St
Company Address2	
City, State, Zip	Brighton, CO 80602
Main Contact Name	Marc Gregorio
Main Contact Title	Director
Main Contact Email	<a href="mailto:mgregorio@adanisystems.com">mgregorio@adanisystems.com</a>
Main Contact Tel#	301-922-4271
Main Contact Cell#	

<b>COST TABLE</b>	
<b>Items - Year 1</b>	
Body Scanning System Model	\$ 145,000.00
Shipping and Handling	Included
Installation	Included
Training	Included
Other	N/A
<b>Total Year 1 Costs</b>	<b>\$ 145,000.00</b>
<b>Items - Year 2 to 10 Maint./Support</b>	
Year 2	Included
Year 3	\$ 10,000.00
Year 4	\$ 10,000.00
Year 5	\$ 10,000.00
Year 6	\$ 10,000.00
Year 7	\$ 10,000.00
Year 8	\$ 10,000.00
Year 9	\$ 10,000.00
Year 10	\$ 10,000.00
<b>Total Support &amp; Maintenance</b>	<b>\$ 80,000.00</b>

Date: 9/10/2020

Advertised: County website and invitations to bid

# of Firms Invited to Bid: 7

# in West Michigan: 0

# in Allegan County: 0

Mandatory Pre-bid Meeting: No

# of Pre-bid Meeting Attendees: N/A

# of Bids Received: 2

l service

<b>Vendor 2</b>	
TEK-84	
13495 Gregg Street	
Poway, CA 92064	
Dennis Wolfe	
<a href="mailto:dennis.wolfe@tek84.com">dennis.wolfe@tek84.com</a>	
Sales Rep	
<a href="mailto:steve.smith@tek84.com">steve.smith@tek84.com</a>	

\$	139,000.00
	Included
	Included
	Included
	N/A
<b>\$</b>	<b>139,000.00</b>
	Included
\$	7,500.00
\$	7,500.00
\$	7,500.00
\$	7,500.00
\$	7,500.00
\$	7,500.00
\$	7,500.00
\$	7,500.00
<b>\$</b>	<b>60,000.00</b>



M E M O R A N D U M  
September 16, 2020

TO: Rob Sarro, Allegan County Administrator  
FROM: Matt Woolford, Allegan County Equalization Director  
RE: Assessing Reform

You have asked that I provide a brief summary of the options that the county has for the appointment of a Designated Assessor as part of the implementation of P.A. 660 of 2018.

**What is the Designated Assessor?**

- The Designated Assessor is part of a process to ensure that local units are in compliance with the statutory provisions of the AMAR (Audit of Minimum Assessing Requirements).
- It is part of a process to make sure that local units are meeting minimum assessing requirements.

**Who are the Designated Assessors?**

- The Designated Assessor is the individual selected and agreed to by the County Board of Commissioners and a majority of the assessing districts within that county, subject to final approval of the State Tax Commission.
- The Designated Assessor serves as the assessor of record and assumes all duties and responsibilities as the assessor of record for an assessing district that is determined to be non-compliant with an audit.
- Each County is required to enter into an interlocal agreement that designates the individual who will serve as the County's Designated Assessor.
- The interlocal agreement must be approved by the County Board and a majority of the assessing districts in the County.
- The Designated Assessor is not an automatic requirement for Countywide assessing or for the County Equalization Director to take over assessing for local units.
- The County can certainly be named the Designated Assessor but this requirement can be met by any appropriately certified individual.

**The individual who will serve as the county's Designated Assessor must be in good standing and be certified as either a Michigan Advanced Assessing Officer (MAAO) or a Michigan Master Assessing Officer (MMAO). There are several options for the County Board and local leaders to consider.**

- Option 1: Appoint an individual or assessing company as the Designated Assessor for Allegan County. This person or company would be independent of the county and any local assessing unit.
- Option 2: Appoint the County Equalization Director as the Designated Assessor for Allegan County.
- Option 3: Appoint a local City or Township Assessor from within Allegan County assessing districts as the Designated Assessor for Allegan County.

**Option 1: Appoint an individual or assessing company as the Designated Assessor for Allegan County. This person or company would be independent of the county and any local assessing unit.**

This option would result in a qualified individual or company being named as Designated Assessor for Allegan County. By maintaining a separate entity from both the local units in Allegan County and any of the assessing districts in the County, home rule and improving assessing performance are both preserved and enhanced.

- This option emphasizes a truly independent party not tied to any local unit of government or Allegan County; provides collaboration with locals, insures local Assessors review and participation in selection process.
- May require a some contractual compensation from the county to retain the service. If a local unit were to need the service, that service would be paid for by the local unit.

**Option 2: Appoint the County Equalization Director as the Designated Assessor**

This option will be used by several but certainly not all counties for the services of the Designated Assessor. Each county equalization director varies in direct assessing and equalization experience. Not all counties have the resources in people, processes, and technology to successfully fill the role as the Designated Assessor.

- The current Director has experience in appraising, assessing, property mapping and equalization functions, having worked at the township, city, and county levels of assessment administration.
- The current Director has led technology and standards efforts successfully at the local and state level.
- In the event that a Designated Assessor would be needed in Allegan, the Director would be able to work with the Mayors, Managers, and Supervisors to mentor a new assessor while drawing from the staff and technology support systems in place at Allegan County.
- The Director would fulfill this roll in his/her capacity as an employee of Allegan County and no retainer or fee for service would be required using this option.

**Option 3: Appoint a local City or Township Assessor from within Allegan County assessing districts as the Designated Assessor for Allegan County.**

This option is similar to Option 1, with the exception that the Designated Assessor would be drawn from an existing local unit. This option provides a local unit to extend its existing assessing services to another local government as part of the intergovernmental agreement.

- Several qualified assessors within Allegan County are in good standing and are certified at the MAAO or MMAO level.
- An experienced assessor from within Allegan County would extend proven successful operations to another assessing district(s) that are not ensuring adequate assessing outcomes.
- May or may not require some contractual compensation to maintain readiness as activation as the Designated Assessor could affect existing operations unless the Designated Assessor is acting in his/her capacity as an employee of their city or township and no retainer fee is requested.

Important to note is that the Designated Assessor shall be a named individual and not a county or local unit, since the Designated Assessor must be a named MAAO or MMAO.

The Allegan Assessors have met on a Zoom call and briefly discussed the need to name a Designated Assessor. I believe it would be a good idea to have a Zoom meeting with City and Local leaders to discuss this topic with the goal of acting on an interlocal agreement by December 31, 2020.

Attached to this email is combination of several State Tax Commission sources that I have gleaned from to provide this brief overview/summary. I look forward to your input and am available to assist the County Board in its task to move this item forward in the coming weeks.

Please let me know if you have any questions or would like additional information. I'll look forward to speaking with you on this topic soon.



# What is Property Assessing Reform?

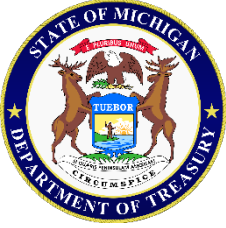
The Michigan Department of Treasury is pleased to present the first in a series of information materials to assist assessors and local units in understanding the changes enacted in P.A. 660 of 2018, commonly referred to as Property Assessing Reform.

The purpose of this document is to provide a high level overview of P.A. 660 of 2018. In its simplest form, P.A. 660 provides a statutory framework to ensure proper assessing in order to guarantee the highest quality assessments for taxpayers as well as local units. The Act defines the requirements for a local unit to be determined to be in substantial compliance with the General Property Tax Act, provides timetables for audits as well as follow up audits and provides a process for bringing a local unit into compliance if they remain non-compliant after a follow up review (also known as the designated assessor).

The Act also mandates training for local unit Boards of Review and allows for local units to combine Boards of Review for efficiency purposes and provides for a village located within two assessing districts may request that the assessment of property be completed within one of the districts.

What do local units and Assessors need to know now?

1. The majority of the provisions in the Act do not go into place until 2022.
2. Local units can begin to prepare now by ensuring they are meeting the requirements in the current AMAR and if not, that they work to ensure corrections are made to bring them into compliance. This topic will be addressed in more detail in a future presentation.
3. The Designated Assessor provision does not mandate that all assessors be an Advanced or Master Level and it does not mandate Countywide Assessing. More information on the Designated Assessor will be provided in a future presentation.
4. The provision to allow Boards of Review to combine went into effect with the 2019 year. The Cities or Townships that want to combine their Boards of Review must be contiguous and must still meet the statutory provisions regarding size, composition and manner of appointment of the Board of Review.
5. The State Tax Commission will be working to develop rules, guidelines and issue Bulletins to address provisions in the Act.
6. Updates on Property Assessing Reform will be published on the State Tax Commission's website at [www.michigan.gov/statetaxcommission](http://www.michigan.gov/statetaxcommission) and a dedicated email address has also been established for questions regarding Property Assessing reform. Questions on Property Assessing Reform can be emailed to [AssessingReformQuestions@michigan.gov](mailto:AssessingReformQuestions@michigan.gov).



# Property Assessing Reform: Designated Assessor

One of the most complex provisions within P.A. 660 is the Designated Assessor. This document will provide a high level overview of the Designated Assessor requirement and what it is and isn't.

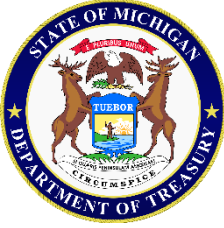
What is the Designated Assessor? The Designated Assessor is part of a process to ensure that local units are in compliance with the statutory provisions of the AMAR. In other words it is part of a process to make sure that local units are meeting minimum assessing requirements.

As with the current AMAR process, the statute provides for an initial AMAR and a corrective action plan to be approved by the STC. The statute then provides for a follow up review to be conducted in accordance with the approved corrective action plan. If after that follow up review, the local unit remains in non-compliance then the local unit has two options: they can employ or contract with a new assessor of record at the Advanced or Master Level or they can contract with the Designated Assessor for the County to serve as their assessor of record.

Who are the Designated Assessors? The statute provides the process for determining who the Designated Assessors will be. Each County is required to enter into an interlocal agreement that designates the individual who will serve as the County's Designated Assessor. That interlocal agreement must be approved by the County Board and a majority of the assessing districts in the County. Once the interlocal agreement is approved, it is sent to the State Tax Commission for final approval. The STC will determine if the individual named as the Designated Assessor is capable of ensuring they can achieve and maintain substantial compliance for any local unit that contracts with them.

The Designated Assessor is not an automatic requirement for Countywide assessing or for the County Equalization Director to take over assessor for local units. While the County can certainly be named the Designated Assessor, it is not an automatic designation as the Designated Assessor is determined by the approved interlocal agreement.

The Act contains a number of specific detailed provisions regarding the Designated Assessor including how long they serve, what happens in the case of a Designated Assessor that can no longer serve and appeal processes for local units regarding substantial compliance. Those provisions will be discussed in much more detail in future publications and in STC Bulletins, Guidelines and Rules.



# Property Assessing Reform Scenarios

In order to help assessors and local units better understand Property Assessing Reform, we have put together several scenarios that represent various situations that occur within your local unit our County. These scenarios are representative of situations under PA 660 and do not represent all possible outcomes. Specific questions can be directed to the Property Assessing Reform email at [AssessingReformQuestions@michigan.gov](mailto:AssessingReformQuestions@michigan.gov).

## **Scenario 1**

- STC determines that the assessing district is not in substantial compliance for the 2023 assessment roll. A notice of noncompliance is provided to the assessing district.
- Within 60 days of receiving a notice of noncompliance, the assessing district develops a corrective action plan to address the deficiencies within 1 year.
- Within 60 days of filing the corrective action plan, the STC approves the plan for correcting deficiencies.
- No earlier than May 1<sup>st</sup> and no later than September 1<sup>st</sup> of 2024, the STC conducts an initial follow-up review with the assessing district.
- The deficiencies have been found to be corrected and within 90 days of the follow-up review the STC issues a notice of substantial compliance. No further follow-ups are required.

## **Scenario 2**

- STC determines that the assessing district is not in substantial compliance for the 2023 assessment roll. A notice of noncompliance is provided to the assessing district.
- Within 60 days of receiving a notice of noncompliance, the assessing district develops a corrective action plan to address the deficiencies that extends beyond one year.
- Within 60 days of filing the corrective action plan, the STC approves the plan for correcting deficiencies.
- No earlier than May 1<sup>st</sup> and no later than September 1<sup>st</sup> of 2025, the STC conducts an initial follow-up review with the assessing district.
- The deficiencies have been found to be corrected and within 90 days of the follow-up review the STC issues a notice of substantial compliance. No further follow-ups are required.

## **Scenario 3**

- STC determines that the assessing district is not in substantial compliance for the 2023 assessment roll. A notice of noncompliance is provided to the assessing district.

- Within 30 days after receiving a notice of noncompliance, the assessing district files a written petition with the STC challenging the determination.
- The STC arbitrates the dispute based on documented facts.
- The STC finds that the assessing district is substantial compliance. No corrective action plan or follow-up is required.

#### **Scenario 4**

- STC determines that the assessing district is not in substantial compliance for the 2023 assessment roll. A notice of noncompliance is provided to the assessing district.
- Within 30 days after receiving a notice of noncompliance, the assessing district files a written petition with the STC challenging the determination.
- The STC arbitrates the dispute based on documented facts.
- The STC finds that the assessing district is not in substantial compliance.
- The assessing district files a corrective action plan within 60 days of the notice of the results of arbitration from the STC.
- Within 60 days of filing the corrective action plan, the STC approves the plan for correcting deficiencies.
- No earlier than May 1<sup>st</sup> and no later than September 1<sup>st</sup> of 2024, the STC conducts an initial follow-up review with the assessing district.
- The deficiencies have been found to be corrected and within 90 days of the follow-up review the STC issues a notice of substantial compliance. No further follow-ups are required.

#### **Scenario 5**

- STC determines that the assessing district is not in substantial compliance for the 2023 assessment roll. A notice of noncompliance is provided to the assessing district.
- Within 60 days of receiving a notice of noncompliance, the assessing district develops a corrective action plan to address the deficiencies within 1 year.
- Within 60 days of filing the corrective action plan, the STC approves the plan for correcting deficiencies.
- No earlier than May 1<sup>st</sup> and no later than September 1<sup>st</sup> of 2024, the STC conducts an initial follow-up review with the assessing district.
- The deficiencies have been found not to be corrected and within 90 days of the follow-up review the STC issues a notice of noncompliance.
- Within 60 days, the assessing district elects to contract with the designated assessor for the county to serve as the district's assessor of record.
- SEE DESIGNATED ASSESSOR SCENARIO.

#### **Scenario 6**

- STC determines that the assessing district is not in substantial compliance for the 2023 assessment roll. A notice of noncompliance is provided to the assessing district.
- Within 60 days of receiving a notice of noncompliance, the assessing district develops a corrective action plan to address the deficiencies within 1 year.
- Within 60 days of filing the corrective action plan, the STC approves the plan for correcting deficiencies.

- No earlier than May 1<sup>st</sup> and no later than September 1<sup>st</sup> of 2024, the STC conducts an initial follow-up review with the assessing district.
- The deficiencies have been found not to be corrected and within 90 days of the follow-up review the STC issues a notice of noncompliance.
- Within 60 days, the assessing district amends the corrective action plan to provide that the assessing district will employ or contract with a new assessor of record, who is an advanced assessing officer or a master assessing officer.
- Within 60 days of filing the amended corrective action plan, the STC approves the plan for correcting deficiencies.
- No earlier than May 1<sup>st</sup> and no later than September 1<sup>st</sup> of 2025, the STC conducts a second follow-up review with the assessing district.
- The deficiencies have been found to be corrected and within 90 days of the follow-up review the STC issues a notice of substantial compliance. No further follow-ups are required.

### **Scenario 7**

- STC determines that the assessing district is not in substantial compliance for the 2023 assessment roll. A notice of noncompliance is provided to the assessing district.
- Within 60 days of receiving a notice of noncompliance, the assessing district develops a corrective action plan to address the deficiencies within 1 year.
- Within 60 days of filing the corrective action plan, the STC approves the plan for correcting deficiencies.
- No earlier than May 1<sup>st</sup> and no later than September 1<sup>st</sup> of 2024, the STC conducts an initial follow-up review with the assessing district.
- The deficiencies have been found not to be corrected and within 90 days of the follow-up review the STC issues a notice of noncompliance.
- The STC immediately requires the assessing district to contract with the designated assessor.
- SEE DESIGNATED ASSESSOR SCENARIO

### **Scenario 8**

- STC determines that the assessing district is not in substantial compliance for the 2023 assessment roll. A notice of noncompliance is provided to the assessing district.
- Within 60 days of receiving a notice of noncompliance, the assessing district develops a corrective action plan to address the deficiencies within 1 year.
- Within 60 days of filing the corrective action plan, the STC approves the plan for correcting deficiencies.
- No earlier than May 1<sup>st</sup> and no later than September 1<sup>st</sup> of 2024, the STC conducts an initial follow-up review with the assessing district.
- The deficiencies have been found not to be corrected and within 90 days of the follow-up review the STC issues a notice of noncompliance.
- Within 60 days, the assessing district amends the corrective action plan to provide that the assessing district will employ or contract with a new assessor of record, who is an advanced assessing officer or a master assessing officer.
- Within 60 days of filing the amended corrective action plan, the STC approves the plan for correcting deficiencies.



- No earlier than May 1<sup>st</sup> and no later than September 1<sup>st</sup> of 2025, the STC conducts a second follow-up review with the assessing district.
- The second follow-up review results in a notice of noncompliance. The STC requires the assessing district to contract with the designated assessor.
- SEE DESIGNATED ASSESSOR SCENARIO

### **Scenario 9**

- STC determines that the assessing district is not in substantial compliance for the 2023 assessment roll. A notice of noncompliance is provided to the assessing district.
- The assessing district fails to file an acceptable corrective action plan with the STC within 180 days following the notice of noncompliance.
- The STC immediately requires the assessing district to contract with the designated assessor.
- SEE DESIGNATED ASSESSOR SCENARIO

### **Scenario 10**

- STC determines that the assessing district is not in substantial compliance for the 2023 assessment roll. A notice of noncompliance is provided to the assessing district.
- Within 60 days of receiving a notice of noncompliance, the assessing district develops a corrective action plan to address the deficiencies within 1 year.
- Within 60 days of filing the corrective action plan, the STC approves the plan for correcting deficiencies.
- The assessing unit fails to make a good-faith effort to implement the corrective action plan within 240 days of the notice of noncompliance.
- This failure is likely to result in assumption of the assessing district's assessment roll.
- The STC immediately requires the assessing district to contract with the designated assessor.
- SEE DESIGNATED ASSESSOR SCENARIO

### **DESIGNATED ASSESSOR SCENARIO**

- The STC requires the assessing district, or the local unit elects to, contract with the designated assessor.
- The designated assessor is contracted to be the assessor of record for the assessing district.
- Unless earlier times are agreed to by the STC, the designated assessor or the assessing district may petition the STC to end its contract with the designated assessor no sooner than three years after commencement of the contract.
- No sooner than five years after the commencement of the contract, the designated assessor, or the assessing district may terminate the contract, subject to STC approval.
- The STC shall approve termination of a contract if it determines that the assessing district can achieve and maintain substantial compliance using a different assessor of record.



## How are Villages Affected by Property Assessing Reform?

P.A. 660 made the following change to the way Villages are assessed. MCL 211.10d was modified to reflect the following:

(7) Every lawful assessment roll shall have a certificate attached signed by the certified assessor who prepared or supervised the preparation of the roll. A village that is located in more than 1 assessing district may, in a form and manner prescribed by the state tax commission, request state tax commission approval that the assessment of property within the village be combined with the assessment of property in 1 of those assessing districts.

Specifically this change indicates that a Village that is located in more than one assessing district may request the STC to approve that the assessing for the Village be combined with the assessing of property in one of the local units, thereby eliminating the need for the Village to be assessed in two or more different local units and potentially by two or more different assessors.

Does this require Villages to hire their own assessor? No. This change is only for those Villages with property in more than one assessing district and only if the Village wants to make a change. It does not affect a Village with property located solely within one assessing district and again this is not a mandated change.

Can a village located in more than one County take advantage of this? Yes. Please contact the STC for more information on filling out Form 5689 and what documentation must be submitted.

Villages who are interested in making this change must fill out Form 5689 and submit that to the State Tax Commission for their approval. This application must be filled out in its entirety and must include a resolution approved by the receiving assessing district and the village approving the assessment of the village property in one of the assessing districts. The resolution must state the name of the assessing district that will assume responsibility for the assessment of all of the Village property.

Questions can be submitted to the Assessing Reform Email at [AssessingReformQuestions@michigan.gov](mailto:AssessingReformQuestions@michigan.gov).



# What Can Local Units Do to Prepare for Assessing Reform?

As has been discussed in other Topics, P.A. 660 provides a statutory framework to ensure proper assessing in order to guarantee the highest quality assessments for taxpayers as well as local units. The Act defines the requirements for a local unit to be determined to be in substantial compliance with the General Property Tax Act, provides timetables for audits as well as follow up audits and provides a process for bringing a local unit into compliance if they remain non-compliant after a follow up review (also known as the designated assessor).

These statutory changes make it even more important that local unit officials take a proactive role in assessment administration and work with their assessor to ensure proper assessing. The local unit board or council is responsible for making certain the local unit's assessing is meeting state requirements.

Local units can begin to prepare now by ensuring they are meeting the requirements in the current AMAR and if not, that they work to ensure corrections are made to bring them into compliance. The AMAR form is available on the State Tax Commission website ([www.michigan.gov/statetaxcommission](http://www.michigan.gov/statetaxcommission)) under the AMAR tab and provides links to the statutory or STC requirements.

Officials should not wait until they're faced with the audit of their assessing practices to start thinking about assessing and property taxes. Making an effort today will not just give your local unit a better chance of passing the AMAR with flying colors.

Officials must first make sure that their local unit employs an assessor who is certified at the proper level for their unit. Assessors must be certified through the STC and can achieve three levels: Michigan Certified Assessing Officer, Michigan Advanced Assessing Officer and Michigan Master Assessing Officer. The STC requires local units to have assessors at a certain level, based on the state equalized value of their property tax roll. Specific information regarding those levels is available on the STC website.

Some assessors work for multiple local units. While this is a common practice, especially in rural areas, Townships and Cities should monitor how many units their assessors are assessing. Even if they are within the state's limits for units they can assess, Townships and Cities need to ensure you are receiving the highest quality work from your assessor. Quality, thorough work must be the priority in hiring an assessor, not the price.

Once the assessor is employed, make sure they have all of the tools and funding necessary. A local unit must budget for resources to meet all state requirements, as well as a salary high enough to keep a quality assessor.

As the employer, local units should set annual benchmarks with their assessors and make sure they're being met. Officials should ask questions, such as whether the assessor

visited 20% of the local unit's properties this year or if the assessment roll was certified on time. One way to do this is setting aside time at meetings regularly to get reports from the assessor. Townships and Cities should review with their assessor the Supervising Preparation of the Rolls document (found on the STC website) to ensure the requirements are being met. They should also review the AMAR document prior to the audit to ensure all requirements are being met.

If your local unit's elected officials are unfamiliar with the assessing process, invite your assessor to give a presentation at a meeting, which will help gain insights that are valuable to their work for the local unit.

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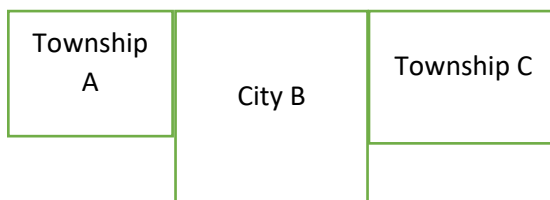
## Combining Boards of Review

As has been discussed in other Topics, P.A. 660 provides a statutory framework to ensure proper assessing in order to guarantee the highest quality assessments for taxpayers as well as local units. The Act defines the requirements for a local unit to be determined to be in substantial compliance with the General Property Tax Act, provides timetables for audits as well as follow up audits and provides a process for bringing a local unit into compliance if they remain non-compliant after a follow up review (also known as the designated assessor).

The Act also made changes to the way Boards of Review operate including requiring training and allows for Boards of Review to be combined across contiguous local units:

The governing bodies of 2 or more contiguous cities or townships may, by agreement, appoint a single board of review to serve as the board of review for each of those cities or townships for purposes of this act. The provisions in subsections (1) to (5) should serve as a guide in determining the size, composition, and manner of appointment of a board of review appointed under this subsection. (MCL 211.28(6))

In order for Boards to combine and act as a single Board of Review, several conditions must be met. First, the local units must be contiguous. Contiguous is defined as local units that touch or abut each other, this can be on the side, top, bottom or corner. Can three local units be “chained” and act as a single Board of Review? Yes, in this situation you may have three local units in this configuration:



The City Council or Township Board of each local unit must agree and take formal action to approve to combine their Boards of Review. As long as all local units involved agree and take formal action to approve, the units can combine to operate as a single Board of Review.

In our three local unit example above, this would require the appointment of a single Board of Review made up of three members. Using the provisions of MCL 211.28(1) to (5) as a guide, at least 2/3 of the members must be taxpayers of local units A, B and/or C. The following three examples are used to demonstrate some, but not all, of the possible scenarios for a single Board of Review:

- Example 1: Combined Board of Review has one member from Township A, one member from City B and one member from Township C
- Example 2: Combined Board of Review has two members from Township A and one member from City B
- Example 3: Combined Board of Review has one member from City B, one member from Township C and one member that is not a taxpayer of any of the combined local units

The combined Board of Review must also follow these requirements:

- Members appointed to the Combined Board of Review shall serve for terms of 2 years beginning at noon on January 1 of each odd-numbered year.
- A member of the township board is not eligible to serve on the board or to fill any vacancy. A spouse, mother, father, sister, brother, son, or daughter, including an adopted child, of the assessor is not eligible to serve on the board or to fill any vacancy.
- At least 2 members of a 3-member board of review shall be present to conduct any business or hearings of the Combined Board of Review.
- If 3, 6, or 9 electors are appointed, the membership of the Combined Board of Review must be divided into Board of Review committees consisting of 3 members each.
- Not more than 2 alternate members may be appointed for the same term as regular members of the Combined Board of Review.

## **Interlocal Agreement and Designated Assessor Contract Checklist**

This Interlocal Agreement and Designated Assessor Contract Checklist is provided to serve as a guide to assist counties in complying with the requirements found in the General Property Tax Act of 1893, as amended by Public Act 660 of 2018, and State Tax Commission guidance. The items below are illustrative of the information the State Commission will review and consider in approving a Designated Assessor. These items should not be considered an exhaustive list.

### **Background Information**

- Name of the county and proposed Designated Assessor
- Identification of all the assessing districts within the county
- Current SEV County totals by class, including special act values
- Total number of parcels, by classification, including special act rolls, within each local unit
- List of any unique, complex or high value properties within the County
- Length of the agreement
- Agreement effective date
- Place of performance of duties
- Signature of the Designated Assessor, the majority of County Board of Commissioners, and a majority of Township Supervisor or City Manager within the county

### **Qualifications of Proposed Designated Assessor**

- Current assessor certification level and number
- Identification of current employment status and specific assessing or equalization responsibilities
- Description of prior local unit assessing experience of the proposed Designated Assessor
- Conflict of interest disclosures

### **Scope of Services Provided by Designated Assessor**

- Preparation of assessment rolls – satisfaction of Supervising Preparation of Assessment Roll
- Plan to correct deficiencies found in audit - timeline for delivery of documents and execution of forms
- Attendance at Boards of Review meetings
- Duties and responsibilities related to property tax appeals, both Small Claims and Entire Tribunal, appeals filed with the Michigan Tax Tribunal
- Reporting requirements and responsibility to meet with local unit officials
- Any and all obligations of local unit assessing staff members
- Responsibilities of Designated Assessor during the period in which they are not acting as an assessor of record for an assessing district within the county
- Requirement to remain certified and in good-standing
- Non-exclusivity of assessing services, if applicable

### **Duties and Responsibilities for Local Unit Contracting with Designated Assessor**

- Providing the Designated Assessor with reasonable access to records, documents, databases and information
- Advise Designated Assessor of any applicable policies and procedures including technology, equipment, facility, etc.

### **Cost and Compensation for Designated Assessor**

- Payment terms and fee structure (i.e., payor, timeline for payment or payments, reimbursement terms if the county pays the retainer upfront, hourly rate, dollar/parcel, amount/assessed value)
- Payment responsibility (i.e., county or assessing district) for when Designated Assessor acting as assessor of record
- Retainer or base rate information, if applicable
- Payment in the event of death or disability of the proposed Designated Assessor
- Cost reimbursement for when the Designated Assessor is acting as assessor of record
- Identification of payment of certain costs including appraisal, expert witness or attorney fees related to MTT appeals, and employing additional assessing staff to bring assessing unit into compliance



Act No. 660  
Public Acts of 2018  
Approved by the Governor  
December 28, 2018  
Filed with the Secretary of State  
December 28, 2018  
EFFECTIVE DATE: December 28, 2018

**STATE OF MICHIGAN  
99TH LEGISLATURE  
REGULAR SESSION OF 2018**

Introduced by Rep. Lower

# **ENROLLED HOUSE BILL No. 6049**

AN ACT to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts,” by amending sections 10d, 10e, and 28 (MCL 211.10d, 211.10e, and 211.28), section 10d as amended by 1984 PA 19, section 10e as added by 1986 PA 223, and section 28 as amended by 2006 PA 143, and by adding section 10g.

*The People of the State of Michigan enact:*

Sec. 10d. (1) The annual assessment of property shall be made by an assessor who has been certified as qualified by the state tax commission as having successfully completed training in a school of assessment practices or by the passage of a test approved by the state tax commission and conducted by the state tax commission or an agency approved by the state tax commission that will enable the individual to properly discharge the functions of the office. The school shall be established by an approved educational institution in conjunction with the state tax commission and be supervised by the state tax commission and its agents and employees. The state tax commission may determine that a director of a county tax or equalization department or an assessor who has not received the training possesses the necessary qualifications for performing the functions of the office by the passage of an approved examination.

(313)

(2) The state tax commission may also grant a conditional 6-month certification to a newly elected assessing officer or an assessing officer appointed to fill an unexpired term if all of the following criteria are met:

(a) The newly elected or appointed assessing officer applies for certification and pays the required filing fee.

(b) The governing body of the assessing district requests the state tax commission to conditionally certify the newly elected or appointed assessing officer.

(c) The newly elected or appointed assessing officer or the governing body of the assessing district submits a statement outlining the course of training he or she plans to pursue.

(d) The period of time for which the conditional certification is requested does not exceed 6 months after the date that he or she assumes office.

(3) Conditional certification under subsection (2) shall not be granted for any assessing district more than once in 4 years.

(4) Conditional certification under subsection (2) shall only be granted to a newly elected or appointed assessing officer in an assessing district that does not exceed a total state equalized valuation of \$125,000,000.00.

(5) Upon presentation of evidence of the successful completion of the qualifications, the assessor shall be certified as qualified by the state tax commission.

(6) An assessing district that does not have an assessor qualified by certification of the state tax commission may employ an assessor so qualified. If an assessing district does not have an assessor qualified by certification of the state tax commission, and has not employed a certified assessor, the assessment shall be made by the county tax or equalization department or the state tax commission and the cost of preparing the rolls shall be charged to the assessing district.

(7) Every lawful assessment roll shall have a certificate attached signed by the certified assessor who prepared or supervised the preparation of the roll. A village that is located in more than 1 assessing district may, in a form and manner prescribed by the state tax commission, request state tax commission approval that the assessment of property within the village be combined with the assessment of property in 1 of those assessing districts. A certificate attached to an assessment roll pursuant to this subsection shall be in the form prescribed by the state tax commission. If after completing the assessment roll the certified assessor for the assessing district dies or otherwise becomes incapable of certifying the assessment roll, the director of the county tax or equalization department or the state tax commission shall certify the completed assessment roll at no cost to the assessing district.

(8) The assessing district shall assume the cost of training, if a certification is awarded, to the extent of course fees and recognized travel expenditures.

(9) An assessor who certifies an assessment roll over which he or she did not have direct supervision is guilty of a misdemeanor.

(10) The state tax commission shall promulgate rules for the issuance or revocation of certification.

(11) The director of a county tax or equalization department required by section 34 of this act shall be certified by the state tax commission at the level determined to be necessary by the state tax commission before being appointed by the county board of commissioners pursuant to section 34 or before performing or, after March 29, 1985, continuing to perform, the functions of the director of a county tax or equalization department. The state tax commission may grant a conditional extension of 12 months to an individual who is serving as the director of a county tax or equalization department on March 29, 1985 if all of the following conditions are satisfied:

(a) At the time of applying for certification the individual is currently certified at not less than 1 level below the level required by the state tax commission for that county.

(b) The individual applies for certification and pays the required fee.

(c) The county board of commissioners requests the state tax commission to grant the extension.

(d) The individual submits a statement to the state tax commission outlining the course of study he or she intends to pursue to obtain certification.

(12) The state tax commission may grant an additional 6-month extension to the conditional extension described in subsection (11) if the extension is requested by the county board of commissioners and the applicant demonstrates satisfactory progress in the course of study outlined to the state tax commission under subsection (11). In a county in which a vacancy has been created in the position of director of a county tax or equalization department and in which the position was previously filled by an individual certified at the level required by the state tax commission pursuant to this subsection, an individual certified at 1 level below the level required by the state tax commission pursuant to this subsection may serve in the position for 12 months after the vacancy has been created.

Sec. 10e. All assessing officials whose duty it is to assess real or personal property on which real or personal property taxes are levied by any taxing unit of the state shall use only the official assessor's manual or a manual approved by the state tax commission consistent with the official assessor's manual, with their latest supplements, as prepared or approved by the state tax commission as a guide in preparing assessments. Beginning with the tax

assessing year 1978, all assessing officials shall maintain records relevant to the assessments, including appraisal record cards, personal property records, historical assessment data, tax maps, and, through calendar year 2018, land value maps, consistent with standards set forth in the assessor's manual published by the state tax commission.

Sec. 10g. (1) Pursuant to subsection (2), on and after December 31, 2021, the state tax commission shall audit the assessing districts in this state to determine if they do all of the following:

(a) Employ or contract with an assessor of record that oversees and administers an annual assessment of all property liable to taxation in the assessing district, as provided in section 10, in accordance with the constitution and laws of this state. For an assessing district that amends its corrective action plan pursuant to subsection (3)(c), its assessor of record must be an advanced assessing officer or a master assessing officer.

(b) Use a computer-assisted mass appraisal system that is approved by the state tax commission as having sufficient software capabilities to meet the requirements of this act and to store and back up necessary data.

(c) Subject to state tax commission guidelines, have and follow a published policy under which its assessor's office is reasonably accessible to taxpayers. A policy under this subdivision must include, at a minimum, the items in subparagraphs (i) to (iv) and should include the item in subparagraph (v) as follows:

(i) A designation, by name, telephone number, and electronic mail address, of at least 1 official or employee in the assessor's office to whom taxpayer inquiries may be submitted directly by telephone or electronic mail.

(ii) An estimated response time for taxpayer inquiries submitted under subparagraph (i), not to exceed 7 business days.

(iii) Information about how a taxpayer may arrange a meeting with an official or employee of the assessor's office for purposes of discussing an inquiry in person.

(iv) Information about how requests for inspection or production of records maintained by the assessor's office should be made by a taxpayer and how those requests will be handled by the assessor's office.

(v) Information about any process that the assessor's office may have to informally hear and resolve disputes brought by taxpayers before the March meeting of the board of review.

(d) If a city or township building within the assessing district is in an area with broadband internet access, provide taxpayers online access to information regarding its assessment services, including, but not limited to, parcel information, land value studies and documentation, and economic condition factors. As used in this subdivision, "area with broadband internet access" means an area determined by the connect Michigan broadband service industry survey to be served by fixed terrestrial service with advertised speeds of at least 25 megabits per second downstream and 3 megabits per second upstream in the most recent survey available.

(e) Include the contact information described in subdivision (c)(i) in notices to taxpayers concerning assessment changes and exemption determinations, including, but not limited to, notices issued under section 24c.

(f) Ensure that its support staff is sufficiently trained to respond to taxpayer inquiries, require that its assessors maintain their certification levels, and require that its board of review members receive board of review training and updates required and approved by the state tax commission.

(g) Comply with section 44(4) with respect to any property tax administration fee collected under section 44.

(h) Have all of the following:

(i) Properly developed and documented land values.

(ii) An assessment database for which not more than 1% of parcels are in override.

(iii) Properly developed and documented economic condition factors.

(iv) An annual personal property canvass and sufficient personal property records according to developed policy and statutory requirements.

(v) A board of review that operates in accordance with this act.

(vi) An adequate process for determining whether to grant or deny exemptions according to statutory requirements.

(vii) An adequate process for meeting the requirements outlined in the state tax commission's publication entitled, "Supervising Preparation of the Assessment Roll", as those requirements existed on October 1, 2018.

(i) Comply with any other requirement that the state tax commission lawfully promulgates under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, in the exercise of its authority under this act that expressly states that it is intended as an additional requirement under this subsection.

(2) The state tax commission shall develop and implement an audit program to determine whether an assessing district is in substantial compliance with the requirements in subsection (1). If, after December 31, 2021, the state tax commission determines that an assessing district is not in substantial compliance with the requirements in subsection (1), the state tax commission may initiate the process described in subsection (3) to ensure that the assessing district achieves and maintains substantial compliance with those requirements.

(3) The state tax commission shall develop and implement a process to ensure that all assessing districts in the state achieve and maintain substantial compliance with the requirements in subsection (1). At a minimum, that process shall include all of the following actions and procedures:

(a) If the state tax commission determines that an assessing district is not in substantial compliance with the requirements in subsection (1) and elects to initiate the process described in this subsection, the commission shall provide the assessing district with a notice of noncompliance setting forth the reasons the assessing district is not in substantial compliance with the requirements in subsection (1) and requesting that the assessing district develop a corrective action plan approved by its governing body to address those deficiencies. Except as otherwise provided in subdivision (g), an assessing district shall file a corrective action plan requested under this subdivision with the state tax commission within 60 days after receipt of the notice of noncompliance. The state tax commission shall approve a corrective action plan filed under this subdivision or request changes to the plan within 60 days after filing.

(b) No earlier than May 1 and no later than September 1 of the calendar year immediately following the year of the notice described in subdivision (a), or, in the case of a corrective action plan approved by the state tax commission that extends beyond 1 year, no earlier than May 1 and no later than September 1 of the calendar year that is the second calendar year following the year of the notice described in subdivision (a), the state tax commission shall conduct an initial follow-up review with the assessing district and, within 90 days following that review, provide the district with an evaluation of its progress in implementing its corrective action plan and a notice of substantial compliance or noncompliance with the requirements in subsection (1).

(c) Except as otherwise provided in subdivisions (g) and (i), an assessing district that has received a notice of noncompliance as part of an initial follow-up review under subdivision (b) shall elect to either contract with the designated assessor for the county to serve as the district's assessor of record or amend its corrective action plan with the approval of the state tax commission to provide that the assessing district will employ or contract with a new assessor of record, who shall be an advanced assessing officer or a master assessing officer, to achieve and maintain substantial compliance with the requirements in subsection (1).

(d) If an assessing district amends its corrective action plan pursuant to subdivision (c), no earlier than May 1 and no later than September 1 of the following calendar year, the state tax commission shall conduct a second follow-up review with the assessing district and, within 90 days following that review, provide the district with an evaluation of its progress in implementing its corrective action plan and a notice of substantial compliance or noncompliance with the requirements in subsection (1).

(e) If the state tax commission, pursuant to subdivision (b) or (d), provides an assessing district a notice of substantial compliance with the requirements in subsection (1), no further follow-up reviews are required under this subsection.

(f) Except as otherwise provided in subdivision (g), if the state tax commission provides an assessing district a notice of noncompliance pursuant to a second follow-up review under subdivision (d) or notifies an assessing district that it has fallen out of substantial compliance less than 5 calendar years after the calendar year a notice of substantial compliance was issued under this subsection, the state tax commission may require the assessing district to contract with the designated assessor for the county to serve as the district's assessor of record. If the state tax commission notifies an assessing district that it has fallen out of substantial compliance with the requirements in subsection (1) more than 4 calendar years after the calendar year a notice of substantial compliance was issued, that notice of noncompliance shall be treated as an initial determination of noncompliance under this subsection.

(g) Within 30 days after receiving a notice of noncompliance under subdivisions (a), (b), (d), or (f), an assessing district may file a written petition with the state tax commission challenging the determination. The state tax commission shall arbitrate the dispute based on the documented facts supporting the notice of noncompliance and the information contained in the written petition and may request additional information as needed from the assessing district. If a petition is properly filed under this subdivision, the requirements applicable to an assessing district under subdivisions (a), (c), and (f) do not apply until the state tax commission notifies the assessing district of the results of the arbitration. With respect to the corrective action plan filing requirement in subdivision (a), the 60-day window for filing the plan will run from the date of this notice.

(h) Unless earlier times are agreed to by the state tax commission and the designated assessor, an assessing district that is under contract with a designated assessor under this subsection may petition the state tax commission no sooner than 3 years after commencement of the contract to end its contract with the designated assessor and may subsequently terminate the contract, subject to state tax commission approval, no sooner than 5 years after commencement of the contract. The state tax commission shall approve termination of a contract under this subdivision if it determines that the assessing district can achieve and maintain substantial compliance with the requirements in subsection (1) using a different assessor of record.

(i) Notwithstanding any other provision of this subsection, the state tax commission may immediately require an assessing district to contract with the designated assessor for the county to serve as the district's assessor of record if after the expiration of 90 days following a second notice of noncompliance under subdivision (b) or the issuance of a notice of arbitration results under subdivision (g), whichever is later, the assessing district has not either contracted

with the designated assessor for the county or employed or contracted with a new assessor of record pursuant to subdivision (c) or if both of the following apply:

(i) The assessing district has failed to file an acceptable corrective action plan with the state tax commission under subdivision (a) within 180 days following an initial notice of noncompliance under subdivision (a) or has failed to make a good-faith effort to implement a corrective action plan approved by the state tax commission under subdivision (a) within 240 days following an initial notice of noncompliance under subdivision (a).

(ii) The failure is likely to result in assumption of the assessing district's assessment roll.

(j) A designated assessor may charge an assessing district that is required to contract with the designated assessor under this subsection, and that assessing district shall pay, for the reasonable costs incurred by the designated assessor in serving as the assessing district's assessor of record, including, but not limited to, the costs of overseeing and administering the annual assessment, preparing and defending the assessment roll, and operating the assessing office. The state tax commission shall develop guidelines, which, at a minimum, shall provide for the ability of an assessing district to protest a charge to the state tax commission and the ability of the state tax commission to resolve disputes between the designated assessor and the assessing district regarding costs and charges.

(k) A designated assessor is a local assessing unit for purposes of the provisions in section 44 concerning the division and use of any collected property tax administration fees.

(4) Beginning December 31, 2020, every county shall have a designated assessor on file with the state tax commission, subject to all of the following:

(a) Subject to subdivision (d), to designate an assessor as a designated assessor, a county shall provide the state tax commission with an interlocal agreement that designates an individual who will serve as the county's designated assessor and shall petition the state tax commission to approve of the individual as the designated assessor for that county. The interlocal agreement must be executed by the board of commissioners for that county, a majority of the assessing districts in that county, and the individual put forth as the proposed designated assessor. For purposes of this subdivision and subsection (5)(d), an assessing district is considered to be in the county where all of, or in the case of an assessing district that has state equalized value in multiple counties, the largest share of, that assessing district's state equalized value is located.

(b) Except as otherwise provided in subdivision (d), if the state tax commission determines that an individual named in a petition submitted under subdivision (a) is capable of ensuring that contracting assessing districts achieve and maintain substantial compliance with the requirements in subsection (1), it shall approve the petition.

(c) Except as otherwise provided in subdivision (d), if the state tax commission determines that an individual named in a petition submitted under subdivision (a) is not capable of ensuring that contracting assessing districts achieve and maintain substantial compliance with the requirements in subsection (1), it shall reject the petition and request the submission of additional interlocal agreements under subdivision (a) until a suitable assessor has been presented.

(d) Except as otherwise provided in subdivision (e), an approved designated assessor designation shall not be revoked and no new designation shall be made under subdivision (a) earlier than 5 years following the date of the approved designation.

(e) The state tax commission may designate and approve, on an interim basis and pursuant to a formal agreement, an individual to serve as a county's designated assessor and, if applicable, revoke the approved designation of the current designated assessor under the following circumstances and subject to the following time limit:

(i) If the designated assessor dies or becomes incapacitated.

(ii) If the designated assessor was designated and approved based on his or her employment status and that status materially changes.

(iii) If it determines at any time that the designated assessor is not capable of ensuring that contracting assessing districts achieve and maintain substantial compliance with the requirements in subsection (1).

(iv) If, as of December 31, 2020, it has not been provided an interlocal agreement, executed as provided in subdivision (a), that presents a suitable individual to serve as the county's designated assessor.

(v) An approved designation under this subdivision is effective only until a new assessor has been designated and approved under subdivisions (a) to (c).

(5) As used in this section:

(a) "Advanced assessing officer" means an individual certified by the state tax commission pursuant to section 10d as a Michigan Advanced Assessing Officer(3) or, if the state tax commission changes its certification designations, an individual certified by the state tax commission to perform functions equivalent in scope, as determined by the state tax commission, to those that previously could have been performed by a Michigan Advanced Assessing Officer(3).

(b) "Assessing district" means a city, township, or joint assessing authority.



(c) "Corrective action plan" means a plan developed by an assessing district that specifically indicates how the assessing district will achieve substantial compliance with the requirements in subsection (1) and when substantial compliance will be achieved.

(d) "Designated assessor" means an individual designated and approved, as provided in subsection (4), to serve a county as the assessor of record for the assessing districts in that county that are required to contract with a designated assessor pursuant to the process specified in subsection (3).

(e) "Master assessing officer" means an individual certified by the state tax commission pursuant to section 10d as a Michigan Master Assessing Officer(4) or, if the state tax commission changes its certification designations, an individual certified by the state tax commission to perform functions equivalent in scope, as determined by the state tax commission, to those that previously could have been performed by a Michigan Master Assessing Officer(4).

(f) "Noncompliance" means that the identified deficiencies, taken together, pose a significant risk that the assessing district is unable to perform the assessing function in conformity with the state constitution and state statute. It is the opposite of substantial compliance and shall be determined based on a holistic evaluation of compliance with the requirements in subsection (1), taking into account the anticipated overall impact of the deficiencies on the assessing district's ability to perform the assessment function. A finding of noncompliance shall not be based on isolated technical deficiencies.

(g) "Substantial compliance" means that any identified deficiencies do not pose a significant risk that the assessing district is unable to perform the assessment function in conformity with the state constitution and state statute. It is the opposite of noncompliance.

(6) Not later than 2 years after the effective date of the amendatory act that added this section, the state tax commission shall adopt and publish guidelines to implement this section. The guidelines shall include, at a minimum, minimum standards and model policies to be followed for substantial compliance with the requirements of subsection (1) and shall identify those deficiencies that may lead to a finding of noncompliance and those deficiencies that are technical. The state tax commission may update the guidelines as needed to implement this section.

Sec. 28. (1) The township board shall appoint those electors of the township who will constitute a board of review for the township. At least 2/3 of the members must be property taxpayers of the township. Members appointed to the board of review shall serve for terms of 2 years beginning at noon on January 1 of each odd-numbered year. Each member of the board of review shall qualify by taking the constitutional oath of office within 10 days after appointment. The township board may fill any vacancy that occurs in the membership of the board of review. A member of the township board is not eligible to serve on the board or to fill any vacancy. A spouse, mother, father, sister, brother, son, or daughter, including an adopted child, of the assessor is not eligible to serve on the board or to fill any vacancy. A majority of the board of review constitutes a quorum for the transaction of business, but a lesser number may adjourn and a majority vote of those present will decide all questions. At least 2 members of a 3-member board of review shall be present to conduct any business or hearings of the board of review.

(2) The township board may appoint 3, 6, or 9 electors of the township, who will constitute a board of review for the township. If 6 or 9 members are appointed as provided in this subsection, the membership of the board of review must be divided into board of review committees consisting of 3 members each for the purpose of hearing and deciding issues protested pursuant to section 30. Two of the 3 members of a board of review committee constitute a quorum for the transaction of the business of the committee. All meetings of the members of the board of review and committees must be held during the same hours of the same day and at the same location.

(3) A township board may appoint not more than 2 alternate members for the same term as regular members of the board of review. Each alternate member must be a property taxpayer of the township. Alternate members shall qualify by taking the constitutional oath of office within 10 days after appointment. The township board may fill any vacancy that occurs in the alternate membership of the board of review. A member of the township board is not eligible to serve as an alternate member or to fill any vacancy. A spouse, mother, father, sister, brother, son, or daughter, including an adopted child, of the assessor is not eligible to serve as an alternate member or to fill any vacancy. An alternate member may be called to perform the duties of a regular member of the board of review in the absence of a regular member. An alternate member may also be called to perform the duties of a regular member of the board of review for the purpose of reaching a decision in issues protested in which a regular member has abstained for reasons of conflict of interest.

(4) The size, composition, and manner of appointment of the board of review of a city may be prescribed by the charter of a city. In the absence of or in place of a charter provision, the governing body of the city, by ordinance, may establish the city board of review in the same manner and for the same purposes as provided by this section for townships.

(5) A majority of the entire board of review membership shall indorse the assessment roll as provided in section 30. The duties and responsibilities of the board contained in section 29 shall be carried out by the entire membership of the board of review and a majority of the membership constitutes a quorum for those purposes.

(6) The governing bodies of 2 or more contiguous cities or townships may, by agreement, appoint a single board of review to serve as the board of review for each of those cities or townships for purposes of this act. The provisions in

subsections (1) to (5) should serve as a guide in determining the size, composition, and manner of appointment of a board of review appointed under this subsection.

Enacting section 1. It is the intent of the legislature to appropriate sufficient money to address start-up and training costs associated with this amendatory act, including, but not limited to, necessary costs incurred to train board of review members, increase the number of assessors qualified to serve as assessors of record, facilitate initial designated assessor designations, respond to assessor requests for technical assistance, enhance staff and programming within the state tax commission to improve technical support for assessors of record, and transition some assessment services to designated assessors.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor

## **Property Assessing Reform Proposal Frequently Asked Questions**

### **General Information:**

#### **What is Property Assessing Reform?**

In its simplest form Property Assessing Reform, P.A. 660, provides a statutory framework to ensure proper assessing in order to guarantee the highest quality assessments for taxpayers as well as local units. The Act defines the requirements for a local unit to be determined to be in substantial compliance with the General Property Tax Act, provides timetables for audits as well as follow up audits and provides a process for bringing a local unit into compliance if they remain non-compliant after a follow up review (also known as the designated assessor).

The Act also mandates training for local unit Boards of Review and allows for local units to combine Boards of Review for efficiency purposes and provides for a village located within two assessing districts may request that the assessment of property be completed within one of the districts.

#### **How does the reform benefit taxpayers, local units, and the state?**

By ensuring accurate, uniform, and equitable assessments across the state, reform will significantly reduce the unnecessary costs associated with incorrect assessments. When errors occur, taxpayers, local units, and the state are all negatively impacted—*in fact, the state's interest is substantial, as roughly half the property tax on non-PRE property (the 24 school mills), and roughly a third of all property taxes, is essentially a state revenue source.*

Not only do errors raise the risk of taxpayers being over-assessed and unfairly taxed or local units and the state having their revenues improperly reduced, but they also often generate litigation expense, as the aggrieved party is forced to appeal simply to enforce constitutional and statutory requirements. Further, by reducing faith in the system, errors create a culture of litigation that forces local units to allocate more resources to defending correct assessments. All of these costs are associated with the quality of the initial assessment. As assessment quality increases, these costs to taxpayers, local units, and the state will drop significantly.

#### **The AMAR audits just started—why aren't we giving them time to work?**

The AMAR reviews are in the 2<sup>nd</sup> five year cycle. What those audits have demonstrated is that while certain individual units may face unique challenges with assessing, there are also some systemic deficiencies with our assessing system that need to be addressed. The minimum quality standards are designed to address those systemic deficiencies, which will allow the AMAR audits to work more effectively on addressing challenges faced by individual local units.



### **Isn't this just county assessing by another name?**

No. While participating in county assessing is always an option, local units can continue to do their own assessing or share an assessor of record with another local unit. The only requirement is that every city, township, and county in the state meet certain specified minimum quality standards. The objective is not to move every local unit to county assessing but to ensure accurate, uniform, and equitable assessments across the state that meet statutory and constitutional requirements.

### **What is an assessing district?**

An assessing district is defined in the statute as City, Township, Or Joint Assessing Authority.

### **Does this force local units to give up their assessing function?**

No. With the changes in P.A. 660, there are also consequences if a local unit does not correct assessing deficiencies identified in the AMAR. As with the current AMAR process, the statute provides for an initial AMAR and a corrective action plan to be approved by the STC. The statute then provides for a follow up review to be conducted in accordance with the approved corrective action plan. If after that follow up review, the local unit remains in non-compliance then the local unit has two options: they can employ or contract with a new assessor of record at the Advanced or Master Level or they can contract with the Designated Assessor for the County to serve as their assessor of record.

### **Does the proposal eliminate all MCAO Assessors?**

No.

### **Local assessing works in my community—why are you asking us to change?**

To the extent a local unit is currently meeting the minimum quality standards, no change is necessary. If a local unit is not meeting the standards, they have options, they can employ or contract with a new assessor of record at the Advanced or Master Level or they can contract with the Designated Assessor for the County to serve as their assessor of record.

## **Designated Assessor**

### **What is a Designated Assessor?**

The Designated Assessor is part of a process to ensure that local units are in compliance with the statutory provisions of the AMAR. In other words it is part of a process to make sure that local units are meeting minimum assessing requirements.

As with the current AMAR process, the statute provides for an initial AMAR and a corrective action plan to be approved by the STC. The statute then provides for a follow up review to be conducted in accordance with the approved corrective action plan. If after that follow up

review, the local unit remains in non-compliance then the local unit has two options: they can employ or contract with a new assessor of record at the Advanced or Master Level or they can contract with the Designated Assessor for the County to serve as their assessor of record.

### **Who are the Designated Assessors?**

The statute provides the process for determining who the Designated Assessors are. Each County is required to enter into an interlocal agreement that designates the individual who will serve as the County's Designated Assessor. That interlocal agreement must be approved by the County Board and a majority of the assessing districts in the County. Once the interlocal agreement is approved, it is sent to the State Tax Commission for final approval. The STC will determine if the individual named as the Designated Assessor is capable of ensuring they can achieve and maintain substantial compliance for any local unit that contracts with them.

### **So, the County will automatically be the Designated Assessor?**

While the County can certainly be named the Designated Assessor, it is not an automatic designation as the Designated Assessor is determined by the approved interlocal agreement.

### **How will locals pay for the Designated Assessor?**

The Designated Assessor will serve in place of the local unit's current assessor. It is expected that using the money from that current salary will help offset the costs of the Designated Assessor. Additionally, as previously mentioned, errors raise the risk of taxpayers being over-assessed and unfairly taxed or local units and the state having their revenues improperly reduced, but they also often generate litigation expense, as the aggrieved party is forced to appeal simply to enforce constitutional and statutory requirements.

### **Boards of Review:**

#### **We heard that Boards of Review are now going to be at the County level and no longer in each local unit?**

While the statute provides that Boards of Review can be combined across two or more contiguous local units, it does not mandate that Boards of Review be combined or that Boards of Review are moving to the County.

#### **Is it true that training is now mandated for Boards of Review?**

P.A. 660 requires that the STC audit to ensure that local units require their Boards of Review to receive training and updates as approved by the STC.

**We can't recruit BOR members now, isn't requiring training going to make things worse?**

The evolving complexity of the property tax has increased the expertise needed to understand and apply the law. While local boards provide the primary quality control check on assessments, board members do not have to possess any knowledge of property tax law or assessing practices. This combination of increasingly complex responsibilities and no expertise requirement often results in misapplication of the law, increasing taxpayer and local unit litigation costs and reducing faith in the system.

The STC will be working with our partner organizations, specifically Michigan Townships Association to ensure easy access to Board of Review training and we will also provide an online option.

**Miscellaneous:**

**I heard that now Villages have to get their own assessor's is that true?**

No. P.A. 660 did make a change to the way Villages are assessed but only in very specific circumstances and if the Village wants to make a change. Specifically the Act indicates that a Village that is located in more than one assessing district, may request the STC to approve that the assessing for the Village be combined with the assessing of property in 1 of the local units, thereby eliminating the need for the Village to be assessed in two different local units and potentially by two different assessors.

**When does this all go into effect?**

While the majority of the reforms do not go into place until 2022, local units can prepare now and put in place processes and procedures to ensure they are meeting the requirements once they "go live" in 2022.

**So what is going to be happening over the next few years until this goes into effect?**

There will be a lot going on at both the State and local levels to prepare for the 2022 implementation. First, the Department of Treasury has implemented a website dedicated to assessing reform. This website will be updated with things local units need to know, required forms and key dates. Second, the Department also has a dedicated email address for anyone who has questions regarding the reform. Finally, we are working with our partner organizations on information sessions and training opportunities.

**What should local units be doing to prepare?**

The most important thing that local units can do now to prepare is to ensure they are meeting the requirements in the current AMAR and if not, that they work to ensure corrections are made to bring them into compliance. Local units should talk to their assessors to ensure they are following the AMAR minimum requirements. Local units can find more information on the AMAR on the STC website under the AMAR tab. This link provides information on

each of the AMAR requirements and the statutory authority or STC policy associated with each requirement.

**What is the STC going to be doing?**

The STC will be working on issuing guidelines, updating their rules and providing formation on the various components of the reform. This includes development of the audit program, implementation of Board of Review training programs, as well as defining key terms such as substantial compliance.



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**Bulletin 8 of 2020**  
**June 9, 2020**  
**Audit Process and Designated Assessor**

**TO:** Assessors and Equalization Directors

**FROM:** State Tax Commission

**SUBJECT:** Overview of Audit Process and Designated Assessor under Public Act 660 of 2018

Public Act 660 of 2018 was approved by Governor Snyder on December 28, 2018 and amended the General Property Tax Act to provide a statutory framework to ensure proper assessing in order to guarantee the highest quality assessments for taxpayers as well as local units. The Act defines the requirements for substantial compliance with the General Property Tax Act, provides timelines for audits and follow-up audits, and details a process for bringing a local unit into compliance if they remain non-compliant after a follow-up review. The Designated Assessor is an integral part of that process.

### **Audit Process Overview**

The Commission will conduct an audit of assessment practices according to a published schedule. If the assessing district (City, Township or Joint Assessing Authority) is determined to be in substantial compliance, the audit process for that five-year cycle is complete and the assessing district is not required to take any additional action.

If the State Tax Commission determines that an assessing district is not in substantial compliance with the General Property Tax Act, the Commission will provide the assessing district with a notice of noncompliance, including the reasons the assessing district is not in substantial compliance.

The assessing district must either appeal the audit determination by filing a written petition to be developed by the State Tax Commission or they must submit a corrective action plan to be approved by the State Tax Commission. “Corrective action plan” is defined in P.A. 660 of 2018 as “a plan developed by an assessing district that specifically indicates *how* the assessing district will achieve substantial compliance . . . and *when* substantial compliance will be achieved.” (Emphasis added). Additional information related to the corrective action plan and petition to challenge the audit results will be provided by the State Tax Commission in separate guidance.

In the event the Commission conducts a follow-up review and the assessing district is not in substantial compliance after the follow-up review, the assessing district has three options:

1. The assessing district may hire a new Michigan Advanced Assessing Officer (MAAO) or Michigan Master Assessor Officer (MMAO),

2. The State Tax Commission assumes jurisdiction over the assessment roll in order to bring the roll into substantial compliance, or,
3. The local unit may move directly to the designated assessor.

Regardless of which option is selected, the Commission will conduct a second follow-up review to determine if the assessment roll is in substantial compliance. If, after the second follow-up review the assessing district continues to be in noncompliance, the local unit will move directly to the Designated Assessor process.

As defined in statute **substantial compliance** “means that any identified deficiencies do not pose a significant risk that the assessing district is unable to perform the assessment function in conformity with the state constitution and state statute.”

As defined in statute **noncompliance** “means that the identified deficiencies, taken together, pose a significant risk that the assessing district is unable to perform the assessing function in conformity with the state constitution and state statute.”

At the December 17, 2019 State Tax Commission meeting, the Commission determined “substantial compliance” to mean that the local unit 1) has properly calculated and appropriately documented Economic Condition Factors; 2) has properly calculated and appropriately documented land value determinations; and 3) less than 1% of the record cards are on override and less than 1% of the record cards reflect flat land values. If any of the requirements associated with those items are not met, the local unit will be considered noncompliant and the notice of noncompliance will be issued.

Once the audit is complete, if an assessing district is notified that it has fallen out of substantial compliance prior to the next audit, the State Tax Commission may require the assessing district to contract with the Designated Assessor to serve as their assessor of record. If the assessing district is notified that it has fallen out of substantial compliance more than four years after the initial finding of substantial compliance, then the regular audit process will be followed.

### **What is the Designated Assessor?**

The Designated Assessor is part of a process to ensure that local units are in compliance with the statutory provisions of the General Property Tax Act, meaning that local units are meeting minimum assessing requirements.

The Designated Assessor is the individual selected and agreed to by the County Board of Commissioners and a majority of the assessing districts within that county, subject to final approval of the State Tax Commission.

The Designated Assessor serves as the assessor of record and assumes all duties and responsibilities as the assessor of record for an assessing district that is determined to be non-compliant with an audit.

The Designated Assessor is not an automatic requirement for Countywide assessing or for the County Equalization Director to take over as the assessor for local units. While the County can be named the Designated Assessor, it is not an automatic designation as the Designated Assessor as this is determined by the approved interlocal agreement.

### **Who may be the Designated Assessor?**

Each Assessing District within each County is required to have an assessor of record with a certification level that meets the valuation requirements set forth by the State Tax Commission. Township and City certification levels are adjusted annually and approved by the STC. The individual who will serve as the county's Designated Assessor must be in good standing and be certified, at least, at the highest level required within the County. If the County contains an Assessing District that requires a Michigan Master Assessing Officer (MMAO), the Designated Assessor must then also be certified at the MMAO level. If the County only contains Assessing Districts that require a Michigan Advanced Assessing Officer (MAAO) certification, or a lower certification, the Designated Assessor may be certified at the level of MAAO. A Michigan Certified Assessing Officer (MCAO) may not serve as the Designated Assessor. As part of the annual certification level process, the Commission will review all MAAO Designated Assessors to ensure compliance with certification level requirements. Additionally, the STC will examine and determine a specific process, on a case by case basis, any specific instance of a MAAO that has been assigned multiple units that may place them beyond the certification requirements of a MAAO.

### **Notification of Selected Designated Assessor**

P.A. 660 of 2018 requires that each county notify the State Tax Commission, no later than December 31, 2020, of the individual that will serve as the county's Designated Assessor. In addition, the county must provide the State Tax Commission with the interlocal agreement executed by the County Board of Commissioners, a majority of the assessing districts within that county, and the proposed Designated Assessor for the county. The interlocal agreement must provide enough detail regarding the assessment responsibilities for the designated assessor. The Commission expects the interlocal agreement will include, but not be limited to, the following:

- Information related to the scope of services being provided by the Designated Assessor, including preparation of assessment rolls, timeline for delivery of documents and execution of forms, attendance at Boards of Review meetings, duties and responsibilities related to property tax appeals, both Small Claims and Entire Tribunal, filed with the Michigan Tax Tribunal, responsibility to meet with local unit officials, and obligations of local unit assessing staff members.
- Duties and responsibilities for each local unit within the County, including providing the Designated Assessor with reasonable access to records, documents and information.
- Details relating to cost and compensation for overseeing and administering the annual assessment and operating the assessing office, including payment terms and cost reimbursement.

Failure to timely notify the State Tax Commission of the county's Designated Assessor will result in the State Tax Commission selecting a Designated Assessor for the county.

If the State Tax Commission determines that an individual named as the Designated Assessor is capable of ensuring that the assessing districts within the county will achieve and maintain substantial

compliance, the Commission shall approve that individual as the County's Designated Assessor. Once approved, the designation will not be revoked for at least five years from the approval date.

If the State Tax Commission is unable to approve the individual identified as the county's Designated Assessor because the Commission determines that the proposed Designated Assessor is not capable of ensuring that the assessing districts will achieve and maintain substantial compliance, the county must submit a new Designated Assessor candidate and accompanying interlocal agreement within sixty days of the Commission's determination. The county will be required to repeat the process until a satisfactory Designated Assessor can be approved. The State Tax Commission will appoint an individual to serve as the county's temporary Designated Assessor during this period.

The State Tax Commission will develop a form to be utilized by the County Equalization Departments to notify the Commission of the proposed Designated Assessor. The Designated Assessor form will be available by August 18, 2020. The form must be submitted to the Commission no later than December 31, 2020.

### **Designated Assessor Term**

Once an assessing district is under contract with a Designated Assessor, the Designated Assessor will remain in place for a minimum of five years. Statute does provide for a local unit to petition the Commission to end the contract after the Designated Assessor has been in place for 3 years.

The Commission shall approve termination of a contract if it is determined that the assessing district can *achieve and maintain* substantial compliance with the General Property Tax Act using a different assessor of record other than the Designated Assessor.

The State Tax Commission may revoke the Designated Assessor and provide for an interim designated assessor if:

1. The Designated Assessor dies or becomes incapacitated
2. The Designated Assessor's employment status materially changes or
3. The Designated Assessor is not capable of ensuring that the assessing district is able to achieve and maintain substantial compliance with MCL 211.10g.

The interim Designated Assessor will remain in place until a new Designated Assessor can be selected following the interlocal agreement process.

If the Designated Assessor is serving as an assessor of record for an assessing district that is found to be in noncompliance, the State Tax Commission will appoint an individual to serve as the county's temporary Designated Assessor. The county will utilize the normal process to select and notify the Commission of the new Designated Assessor.

### **Designated Assessor Costs**

The Designated Assessor is permitted to charge an assessing district for the reasonable costs incurred in serving as the assessing district's assessor of record, including, but not limited to, the costs of overseeing and administering the annual assessment, preparing and defending the assessment roll, and operating the assessing office. The assessing district is required to pay these costs in accordance with



the interlocal agreement. The costs and fees agreed to by the county, assessing districts and the Designated Assessor is a local issue and will vary statewide.

The Commission will develop guidelines as required by statute for any local unit to protest charges by the Designated Assessor.

### **Audit Preparation**

While the audit process outlined in P.A. 660 of 2018 will not commence until 2022, assessing districts can prepare for these audits by meeting the requirements of the current Audit of Minimum Assessing Requirements (AMAR) and the “Supervising Preparation of the Assessment Roll”, as those requirements existed on October 1, 2018. Additionally, assessing districts should employ an assessor certified by the State Tax Commission at the proper certification level based on the valuation requirements, adjusted annually, set forth by the State Tax Commission. Additional information about the AMAR, including the AMAR Review Sheet, and certification levels, are available on the State Tax Commission website ([www.michigan.gov/statetaxcommission](http://www.michigan.gov/statetaxcommission)).