

BOARD OF COMMISSIONERS



MEMBERS

Committee of the Whole
Second Floor, Old Courthouse
301 N, Main St.
Adrian, MI 49221

MEETING LOCATION
Commission Chambers

Minutes: Wednesday, February 12, 2025

CALL TO ORDER: Invocation - Pledge - Cell Phone Reminder:

The meeting was called to order at 1:30 p.m. by Board Chairman Van Doren.

Present: Commissioners: James Van Doren, David Aungst, Beth Blanco, Terry Collins, James Daly, Dustin Krasny, Kevon Martis, David Stimpson, Ralph Tillotson

Also Present: Don Taylor, Lisa Hewitt-Cruz, Barb Gillen, Deanne A. Henagan, Joseph A. Costello, Jr., Amy J. Costello, Laura Pipis, Jeanette Henagan, Erin Van Dyke, Dan Swallow, Troy Bevier, Dave Maxwell, Walter Murphy, Emily Cecil, Ian Wendt (WLEN), Jen Ambrose, Kim Murphy, Shannon Elliott, John Gillooly, Francine Zysk, Matthew Turgeon, Heather Sarnac, Carissa Zubke, Kathryn Szewczuk, Dan Zimolzak and Roxann Holloway

ROLL CALL

All nine commissioners present.

APPROVAL OF MINUTES:

Approval of Minutes: January 8, 2025

Comm. Collins moved to approve the minutes from the January 8, 2025, meeting, Comm. Martis seconded, Motion CARRIED.

AMENDMENTS TO THE AGENDA

Comm. Tillotson moved to approve the agenda as presented. Comm. Martis seconded, Motion CARRIED.

PETITIONS and COMMUNICATIONS:

Communications were read.

INTRODUCTION OF SPECIAL GUESTS:

None

LIMITED PUBLIC COMMENT: [on any agenda item – 3 minute limit]

Public Comment was received by the following:

Kathryn Szewczuk- Executive Director, Lenawee Community Mental Health Authority

RESOLUTIONS/PROCLAMATIONS:

Black History Month Proclamation- Jeanette Henegan- Branch President, Lenawee NAACP

PRO#2024-02

Black History Month

Whereas, Black History Month is a time-honored tradition that acknowledges and celebrates the invaluable contributions, achievements, and history of African Americans both in our nation and within our local community; and recognizes that ethnic and racial diversity, strengthens and enriches our society as a whole; and

Whereas, Lenawee County has a proud history of honoring the significance of African Americans in our community, playing a key role in the fight against slavery, with local residents leading anti-abolition efforts and providing freedom and emancipation to enslaved individuals; and

Whereas, recognizing the diverse heritage and cultural richness within Lenawee County deepens our collective understanding, fosters unity, and enhances our appreciation for the individuals and events that have shaped our shared history; and

Whereas, this annual observance offers an opportunity for reflection on the struggles, triumphs, and lasting impact of African Americans throughout history, promoting awareness and encouraging a deeper understanding of our shared humanity;

therefore, be it proclaimed that the Lenawee County Board of Commissioners hereby proclaims February 2025 as Black History Month in Lenawee County, urging all residents, schools, businesses, and community organizations to join in recognizing and celebrating the contributions of African Americans to our community and nation.

be it further proclaimed that during this month, we encourage educational institutions and community organizations to organize events, programs, and activities that honor the achievements and contributions of African Americans, fostering a spirit of inclusion and unity.

Comm. Stimpson moved to adopt Resolution #2024-02, Comm. Martis seconded, Motion CARRIED by a Unanimous Roll Call Vote.

Human Trafficking Proclamation - Laura Pipis, Executive Director of The United Way of Monroe and Lenawee County & Co-Facilitator of The Lenawee Anti-Human Trafficking Coalition

PRO #2025-01

HUMAN TRAFFICKING PREVENTION MONTH PROCLAMATION

Whereas, human trafficking is a severe public health issue and a crime that exploits the most vulnerable individuals, weakening the health and well-being of individuals, families, and communities across generations; and

Whereas, it is estimated that 27.6 million people are subjected to human trafficking globally, with cases of human trafficking reported in every U.S. state and territory; and

Whereas, human trafficking can affect anyone, though certain populations—such as those affected by abuse, violence, poverty, unstable living situations, social disconnection, or discrimination—are disproportionately at risk; and

Whereas, human trafficking can occur in both physical and online spaces, in industries such as restaurants, domestic work, construction, agriculture, and factories, and can be perpetrated by strangers or those known to the victim, including employers, partners, and family members; and

Whereas, human trafficking can be prevented by fostering individual, community, and societal awareness, promoting resilience, reducing social inequities, and addressing the conditions that contribute to exploitation; and

Whereas, a successful response to human trafficking requires a coordinated, community-wide effort, with the perspectives and expertise of individuals who have experienced human trafficking playing a critical role in shaping and enhancing services and programs; and

Whereas, every individual, family, community, and organization can contribute to the fight against human trafficking by raising awareness, preventing trafficking, and providing support through resources;

Now, therefore we, the Lenawee County Board of Commissioners, do hereby proclaim the month of January 2025 as Human Trafficking Prevention Month, reaffirming our collective commitment to increasing awareness and education about human trafficking, making resources available to those impacted, and fostering partnerships to enhance our collective response to prevent and address human trafficking.

Comm. Krasny moved to adopt Resolution #2025-01, Comm. Collins seconded, Motion CARRIED by a Unanimous Roll Call Vote.

American Heart Month Proclamation-

Barb Gillen, Director of Emergency Services-ProMedica

Emily Cecil - American Heart Association Volunteers

Amanda Bowman - American Heart Association Volunteers

PRO#2024-003

American Heart Month

WHEREAS, cardiovascular disease is the leading cause of death and disability globally, with over 350,000 cardiac arrests occurring outside hospitals each year in the U.S., and only 1 in 10 survive. More than 23,000 children under the age of 18 experience cardiac arrest outside of a hospital each year in the United States and almost 40 percent of these are sports related; and

WHEREAS, CPR, especially if performed immediately, can double or triple a person's chance of survival; and only about 46 percent of people who experience cardiac arrest receive CPR from people nearby while waiting for emergency responders to arrive; and

WHEREAS, there are effective solutions to this problem – awareness and education to have cardiac emergency response plans in place, CPR education and automated external defibrillator (AED) training and accessibility, and

WHEREAS, knowing how to properly perform CPR has encouraged more people to act when faced with a cardiac emergency and to save more lives from cardiac arrest outside of a hospital, we must increase the -number of people who respond to cardiac arrest by calling 911, delivering high-quality CPR and using an AED as soon as it is available; and

WHEREAS, the American Heart Association has set a goal of doubling the survival from cardiac arrest by 2030 by turning bystanders into lifesavers, so that everyone, everywhere is prepared and empowered to become a vital link in the chain of survival and provide CPR in response to a cardiac emergency; and

WHEREAS, in celebration of American Heart Month, we urge every household to join the **Nation of Lifesavers™** and learn CPR.

NOW, THEREFORE, BE IT PROCLAIMED that the Lenawee County Board of Commissioners recognizes February **2025** as **American Heart Month**, urging all residents to show their support by increasing awareness, speaking out about heart disease, and learning CPR, so we can save thousands of lives each year.

Comm. Aungst moved to adopt Resolution #2024-03, Comm. Blanco seconded, Motion CARRIED by a Unanimous Roll Call Vote.

SPECIAL PRESENTATIONS:

Housing Lenawee - Lisa Hewitt-Cruz

Lisa Hewitt-Cruz, from USA Rural Development, Dan Swallow, from City of Tecumseh and Heather Sarnac, from the City of Morenci gave a presentation, regarding Housing Lenawee.

APPROVAL OF CONSENT AGENDA:

(Roll Call Vote)

February Consent Agenda

February 2025 Consent Agenda

Comm. Stimpson moved to approve the following Consent Agenda, Comm. Martis seconded,

Materials Management Planning Committee - 11 Members - 5 year term

Matthew Tomaszewski, Composting Site

5/29

Solid Waste Coordinating Committee - 9 members - 3 year term

Matthew Tomaszewski, City of Adrian

12/25

Tuition Reimbursement

Approval of tuition reimbursement for an employee, for two classes, to pursue a Master's degree in the field of current employment. The total cost per class would be \$834.20 and would be funded from Admin-Tuition reimbursement account #101.172.870.

Robertson Brain Health- 2025 Pilot Program

Approval of the request to begin a Pilot Program with Robertson Brain Health. This would consist of 2 Cohorts, the first with 24 participants including command staff at the Sheriff's Office, Jail, Central Dispatch, leadership from the governmental sector at MSC and the Administrator's office. The second cohort consists of approximately 40 people, that will be the department heads and their second. Law Enforcement personnel at \$500 per person and governmental employees are \$750 per person. The total cost for the Pilot Program is \$45,250. The County's insurance carrier, MMRMA, our risk management agency provides an annual Net Asset Distribution. This is an average of \$200,000 annually and is not budgeted for, providing a sufficient amount for this program.

2025 Pollution Insurance Renewal

Approval of additional pollution insurance from Kapnick Insurance and Administrator to sign, for a annual cost of \$18,245.00.

MSU Extension Annual Agreement

Approval to renew the annual agreement between MSU Extension Services and Lenawee County for \$157,062.00 and authorize the Board Chairman to sign.

Juvenile Justice Grant-MSU

Approval of authorizing the County Administrator to sign the Juvenile Justice Grant and allocate \$500,000 from Contingency Fund, as a grant match.

Airport Runway End Identification Light Project

Approval to enter into a professional engineering service contract with Mead & Hunt for the REIL project design phase, of \$19,780, to be funded with the BIL Grant.

MSC Furniture, Fixtures, & Equipment

Approval of the quotes from: Great Lakes Furniture Supply for \$5,549, V/S America for \$7,975, and Office Design Furnishings for furniture, fixtures, and equipment at MSC, for a total of \$91,525.

2025 Mobile Data Terminal Upgrade

Approval of the Mobile Data Terminal upgrade for Law enforcement vehicles for \$163,016.00. There is an agreement between the County and each municipality and the County is reimbursed for each agreement, on an annual basis. The program is paid over a 5-year period. The total being \$163,016.00 which comes to \$35,588.95 annually.

Motion CARRIED by a Unanimous Roll Call Vote.

STANDING COMMITTEE REPORTS

ACCOUNTS PAYABLE (Comm. Martis)

AP minutes 1/9/25

AP minutes 1/23/25

AP minutes 2/6/25

Comm. Martis reported from the Accounts Payable Committee.

January 9, 2025: Total vouchers \$3,164,298.04, with the general fund's portion being \$300,158.37.

January 23, 2025: Total vouchers \$3,081,390.89, with the general fund's portion being \$392,709.19.

February 6, 2025: Total vouchers \$1,735,850.58, with the general fund's portion being \$306,175.85

Comm. Martis moved to approve the total of vouchers, as presented, Comm. Collins seconded, Motion CARRIED.

CRIMINAL JUSTICE (Comm. Collins)

Criminal Justice minutes 2/6/25

Comm. Collins reported from the Criminal Justice Committee.

IT/EQUALIZATION (Comm. Krasny)

ITE minutes 2/6/25

Comm. Krasny reported from the IT/Equalization Committee.

PERSONNEL / WAYS & MEANS (Comm. Martis)

Personnel Ways & Means minutes 2/11/25

Comm. Martis reported from the Personnel/Ways & Means Committee.

POLICIES & PROCEDURES (Comm. Collins)

Annual Investment Policy

FOIA policy

Earned Sick Time Policy

Committee minutes 2/3/25

Comm. Collins Reported from the Policies & Procedures Committee

POL#2025-02

LENAWEE COUNTY INVESTMENT POLICY

To comply with Act 20 PA 1943, AS AMENDED

It is the policy of Lenawee County to invest its funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow needs of the County and comply with all state statutes governing the investment of public funds.

This investment policy applies to all financial assets of the County. These assets are accounted for in the various funds of the county and include the general funds, special revenue funds, debt service funds and capital project funds, (unless bond ordinances and resolutions are more restrictive), enterprise funds, internal service funds, trust and agency funds and any new fund established by the County.

The primary objectives, in priority order, of the County's investment activities shall be:

Safety--Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the overall portfolio.

Diversification--The investments will be diversified by security type and institution in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

Liquidity--The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

Return on Investment--The investment portfolio shall be designed with the objective of obtaining a rate of return throughout the budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

Authority to manage the investment program is derived from the following: Lenawee County Board of Commissioners' most current resolution designating depositories and M.C.L. 48.40 requiring the County Treasurer to be the custodian of the County's funds. Management responsibility for the investment program is hereby delegated to the Lenawee County Treasurer who shall establish written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, cash purchase or delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, collateral / depository agreements and banking service contracts.

No person shall engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Lenawee County Treasurer.

The Lenawee County Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of the subordinate officials.

The County of Lenawee is limited to investments authorized by Act 20 of 1943, as amended, and may invest in the following:

- 1. Bonds, securities, and other obligations of the United States.*
- 2. Certificates of deposit, savings accounts, deposit accounts or depository receipts if a financial institution meeting all criteria as a depository of public funds contained in the state law.*
- 3. Commercial paper rated at the time of purchase within the two (2) highest classifications established by not less than 2 standard rating services and that matures not more than 270 days after the date of purchase.*
- 4. In United States government of federal agency obligation repurchase agreements.*
- 5. Bank's acceptances on United States banks.*
- 6. Obligations of this state or any of its political subdivisions that at the time of purchase are rated as investment grade by not less than 1 standard rating service.*
- 7. Mutual funds registered under the investment company act of 1940, title I of chapter 686, 54, Stat. 789, 15 U.S.C. 80a-1 to 80a-3 and 80a-4 to 80a-64, with authority to purchase only investment vehicles that are legal for direct investment by a public corporation. However, a mutual fund is not disqualified as a permissible investment solely by reason of either of the following:*
 - a. The purchase of securities on a when-issued to delayed delivery bases.*
 - b. The ability to lend portfolio securities as long as the mutual fund receives collateral at all times equal to at least 100% of the value of the securities loaned.*
 - c. The limited ability to borrow and pledge a like portion of the portfolio's assets for temporary or emergency purposes.*
- 8. Investment pools organized under the surplus funds investment pool act, 1982, A367, MCL129.11 to 129.118.*
- 9. The investment pools organized under the local government investment pool act, 1985 PA121, MCL 129.141 to 129.150.*

All security transactions, including collateral for repurchase agreements and financial institution deposits, entered into by the County shall be on a cash (or delivery vs. payment) basis. Securities may be held by a third party custodian designated by the Treasurer and

evidenced by safekeeping receipts as determined by the Treasurer. Investments shall be made with judgment and care, under circumstances; prevailing, which persons prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Policy# 2025-01

Michigan Freedom of Information Act (FOIA)

Policy and Procedure

Pursuant to Public Act No. 442 of 1976

Preamble: Statement of Principles

It is the policy of Lenawee County that all persons, except those incarcerated, consistent with the Michigan Freedom of Information Act (FOIA), are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people shall be informed so that they may fully participate in the democratic process.

The County's policy with respect to FOIA requests is to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner.

The County acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The County acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of government and to protect the privacy of individuals.

Lenawee County will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. The County's policy is to disclose public records consistent with and in compliance with State law.

The County Board of Commissioners has established the following written procedures and guidelines to implement the FOIA and will create a written public summary of the specific procedures and guidelines relevant to the general public regarding how to submit written requests to the public body and explaining how to understand a public body's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The written public summary will be written in a manner so as to be easily understood by the general public.

Section 1: General Policies

The County Board of Commissioners, acting pursuant to the authority at MCL 15.236, designates the Deputy County Administrator as the FOIA Coordinator. He or she is authorized to designate other County staff to act on his or her behalf to accept and process written requests for the County's public records and approve denials.

The following department heads shall be authorized to act as FOIA Coordinator Designees for their respective departments: County Prosecutor, County Clerk, County Sheriff, County Drain Commissioner, County Equalization Director, County Health Officer, County Environmental Health Administrator, and County Medical Examiner. These FOIA Coordinator Designees will process all FOIA requests that are addressed to their respective departments. If, at any time, the FOIA Coordinator Designee has an unusual FOIA request, or is unsure of how to fill a request, the County FOIA Coordinator shall be contacted immediately.

If a request for a public record is received by fax or email, the request is deemed to have

been received on the following business day. If a request is sent by email and delivered to a County spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note in the FOIA log both the date the request was delivered to the spam or junk-mail folder and the date the FOIA Coordinator became aware of the request.

The FOIA Coordinator may, in his or her discretion, implement administrative rules, consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.

The County is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator nor other County staff are obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.

The FOIA Coordinator shall keep a copy of all written requests for public records received by the County on file for a period of at least one year.

The County will make this Procedures and Guidelines document and the Written Public Summary publicly available without charge. If it does not, the County cannot require deposits or charge fees otherwise permitted under the FOIA until it is in compliance.

A copy of this Procedures and Guidelines document and the County's Written Public Summary must be publicly available by providing free copies both in the County's response to a written request and upon request by visitors at County offices.

This Procedures and Guidelines document and the County's Written Public Summary will be maintained on the County's website at: www.lenawee.mi.us, so a link to those documents will be provided in lieu of providing paper copies of those documents.

Section 2: Requesting a Public Record

No specific form is required to submit a request for a public record. However, the FOIA Coordinator will make available the County's FOIA Portal on the County's website for use by the public.

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the County may be submitted through the County's FOIA Portal on the County's website, in any other form of writing (letter, fax, email, etc.), or by verbal request.

Verbal requests for records may be documented by the County through the County's FOIA Portal on the County's Website. If a person makes a verbal, non-written request for information believed to be available on the County's website, the FOIA Coordinator shall where practicable and to the best ability of the employee's knowledge, inform the requestor of the County's pertinent website address.

A request must sufficiently describe a public record so as to enable County personnel to identify and find the requested public record.

Written requests for public records may be submitted in person or by mail to any County office. Requests may also be submitted electronically by fax, email, or through the County's FOIA Portal. Upon receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.

A person may request that public records be provided on non-paper physical media, emailed or otherwise provided to him or her in digital form in lieu of paper copies. The County will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

A person may subscribe to future issues of public records that are created, issued, or disseminated by Lenawee County on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

A person serving a sentence of imprisonment in a local, state, or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.

Section 3: Processing a Request

Unless otherwise agreed to in writing by the person making the request, the County will issue a response within 5 business days of receipt of a written FOIA request. If a request is received by fax, email, or other electronic transmission, the request is deemed to have been received on the following business day.

The County will respond to a written request in one of the following ways:

- *Grant the request.*
- *Issue a written notice denying the request.*
- *Grant the request in part and issue a written notice denying in part the request.*
- *Issue a notice indicating that due to the nature of the request the County needs an additional 10 business days to respond for a total of no more than 15 business days. Only one such extension is permitted.*
- *Issue a written notice indicating that the public record requested is available at no charge on the County's website.*

When a request is granted:

If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available.

The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request.

A copy of these Procedures and Guidelines and the Written Public Summary will be provided to the requestor free of charge with the response to a written request for public records, provided however, because these Procedures and Guidelines, and the Written Public Summary are maintained on the County's website at: www.lenawee.mi.us, a link to the Procedures and Guidelines and the Written Public Summary will be provided in lieu of providing paper copies of those documents.

If the cost of processing a FOIA request is \$50 or less, the requester will be notified of the amount due and where the documents can be obtained.

If the cost of processing a FOIA request is expected to exceed \$50 based on a good-faith calculation, or if the requestor has not paid in full for a previously granted request, the County will require a good-faith deposit pursuant to Section 4 of this policy before processing the request.

In making the request for a good-faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the County to process the request and also provide a best efforts estimate of a time frame it will take the County to provide the records to the requestor. The best efforts estimate shall be nonbinding on the County, but will be made in good faith and will strive to be reasonably

accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA.

When a request is denied or denied in part:

If the request is denied or denied in part, the FOIA Coordinator will issue a Notice of Denial which shall provide in the applicable circumstance:

- An explanation as to why a requested public record is exempt from disclosure.
- A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the County.
- An explanation or description of the public record or information within a public record that is separated or deleted from the public record.
- An explanation of the person's right to submit an appeal of the denial to either the County Board of Commissioners or seek judicial review in the Lenawee County Circuit Court.
- An explanation of the right to receive attorneys' fees, costs, and disbursements as well as actual or compensatory damages, and punitive damages of \$1,000, should the requestor prevail in an action commenced in the Circuit Court.
- The Notice of Denial shall be signed by the FOIA Coordinator.

If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this Section.

Requests to inspect public records:

The County shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect County records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal County operations.

Requests for certified copies:

The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

Section 4: Fee Deposits

If the fee estimate is expected to exceed \$50.00 based on a good-faith calculation, the requestor will be asked to provide a deposit not exceeding one-half of the total estimated fee. If a written request for public records is from a person who has not paid the County in full for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:

- The final fee for the prior written request is not more than 105% of the estimated fee.
- The public records made available contained the information sought in the prior written request and remain in the County's possession.

- *The public records were made available to the individual, subject to payment, within the time frame estimated by the County to provide the records.*
- *Ninety (90) days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing.*
- *The individual is unable to show proof of prior payment to the County; and*
- *The FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.*

The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:

- *The person making the request is able to show proof of prior payment in full to the County.*
- *The County is subsequently paid in full for the applicable prior written request.*
- *Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to the County.*

The FOIA Coordinator may, at any time, require payment in full for any request prior to the information being released.

Section 5: Calculation of Fees

A fee may be charged for the labor cost of copying/duplication.

*A fee will **not** be charged for the labor cost of search, examination, review and the deletion and separation of exempt from nonexempt information **unless** failure to charge a fee would result in unreasonably high costs to the County because of the nature of the request in the particular instance, and the County specifically identifies the nature of the unreasonably high costs.*

Costs for the search, examination, review, and the deletion and separation of exempt from non-exempt information are "unreasonably high" when they are excessive and beyond the normal or usual amount for those services (Attorney General Opinion 7083 of 2001) compared to the costs of the County's usual FOIA requests, not compared to the County's operating budget. (Bloch v. Davison Community Schools, Michigan Court of Appeals, Unpublished, April 26, 2011)

The following factors shall be used to determine an unreasonably high cost to the County:

- *Volume of the public record requested.*
- *Amount of time spent to search for, examine, review and separate exempt from non-exempt information in the record requested.*
- *Whether the public records are from more than one County department or whether various County offices are necessary to respond to the request.*
- *The available staffing to respond to the request.*
- *Any other similar factors identified by the FOIA Coordinator in responding to the particular request.*

The Michigan FOIA statute permits the County to charge for the following costs associated with processing a written request:

- *Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.*
- *Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the County.*
- *Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the County.*
- *The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the County's website if the requestor asks for the County to make copies.*
- *The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the County's website if the requestor asks for the County to make copies.*
- *The cost to mail or send a public record to a requestor.*

Labor costs will be calculated based on the following requirements:

- *All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.*
- *Labor costs will be charged at the hourly wage of the lowest-paid County employee capable of doing the work in the specific fee category, regardless of who actually performs the work.*
- *Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.*
- *The County may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.*
- *Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.*
- *Contracted labor costs will be charged at the hourly rate of \$48.90 (6 times the state minimum hourly wage).*

The cost to provide records on non-paper physical media when so requested will be based on the following requirements:

- *Computer disks, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.*
- *This cost will only be assessed if the County has the technological capability necessary to provide the public record in the requested non-paper physical media format.*

- *The County will procure any non-paper media and will not accept media from the requestor in order to ensure integrity of the County's technology infrastructure.*

The cost to provide paper copies of records will be based on the following requirements:

- *Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will be reviewed annually to reflect the actual cost of reproduction and will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.*
- *The County will provide records using double-sided printing if it is cost-saving and available.*

The cost to mail records to a requestor will be based on the following requirements:

- *The actual cost to mail public records using a reasonably economical and justified means.*
- *The County may charge for the least expensive form of postal delivery confirmation.*
- *No cost will be made for expedited shipping or insurance unless specified by the requestor.*

If the FOIA Coordinator does not respond to a written request in a timely manner, the County must:

- *Reduce the labor costs by 5% for each day the County exceeds the time permitted under*

*FOIA up to a 50% maximum reduction, if **any** of the following applies:*

- 1. The County's late response was willful and intentional,*
- 2. The written request conveyed a request for information within the first 250 words of the body of a letter facsimile, email or email attachment, or*
- 3. The written request included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy" or a recognizable misspelling of such, or legal code reference to MCL 15. 231, et seq. or 1976 Public Act 442 on the front of an envelope or in the subject line of an email, letter or facsimile cover page.*

Fully note the charge reduction in the Detailed Itemization of Costs Form.

Section 6: Waiver of Fees

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The County Board of Commissioners may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

Section 7: Discounted Fees

Indigence

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are:

- *Indigent and receiving specific public assistance; or*
- *If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.*

An individual is not eligible to receive the waiver if:

- *The requestor has previously received discounted copies of public records from the County twice during the calendar year; or*
- *The requestor requests information in connection with other persons who are offering or providing payment to make the request.*

An affidavit is sworn statement. The FOIA Coordinator may make a Fee Waiver Affidavit Form available for use by the public.

Nonprofit organization advocating for developmentally disabled or mentally ill individuals

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request from:

- *A nonprofit organization formally designated by the State to carry out activities under subtitle C of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-319, or their successors, if the request meets all of the following requirements:*
 - *Is made directly on behalf of the organization or its clients.*
 - *Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931.*
 - *Is accompanied by documentation of its designation by the state, if requested by the public body.*

Section 8: Appeal of a Denial of a Public Record

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may appeal to the County Board of Commissioners by filing an appeal of the denial with the office of the County Administrator. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial. The County FOIA Appeal Form (To Appeal a Denial of Records), may be used to file an appeal.

The County Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled County Board of Commissioners meeting following submission of the written appeal.

Within 10 business days of receiving the appeal the County Board of Commissioners will respond in writing by:

- *Reversing the disclosure denial,*

- Upholding the disclosure denial,
- Reverse the disclosure denial in part and uphold the disclosure denial in part,
- Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the County Board of Commissioners shall respond to the written appeal. The County Board of Commissioners shall not issue more than 1 notice of extension for a particular written appeal.

If the County Board of Commissioners fails to respond to a written appeal, or if the County Board of Commissioners upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action in the Lenawee County Circuit Court.

Whether or not a requestor submitted an appeal of a denial to the County Board, he or she may file a civil action in the Lenawee County Circuit Court within 180 days after the County's final determination to deny the request.

If a Court determines a public record is not exempt from disclosure, it shall order the County to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Failure to comply with an order of the Court may be punished as contempt of Court.

If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in such an action, the Court shall award reasonable attorneys' fees, costs, and disbursements. If the person or County prevails in part, the Court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

If the Court determines that the County has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the County to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the State Treasury. The Court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

Section 9: Appeal of an Excessive FOIA Processing Fee

"Fee" means the total fee or any component of the total fee calculated under section 4 of the FOIA, including any deposit.

If a requestor believes that the fee charged by the County to process a FOIA request exceeds the amount permitted by State law or under this policy, he or she must first appeal to the County Board of Commissioners by submitting a written appeal for a fee reduction to the office of the County Administrator.

The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. The County FOIA Appeal Form (To Appeal an Excess Fee) may be used.

The County Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled County Board of Commissioners meeting following submission of the written appeal.

Within 10 business days after receiving the appeal, the County Board of Commissioners will respond in writing by:

- *Waiving the fee,*
- *Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee,*
- *Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee,*
- *Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the County Board of Commissioners will respond to the written appeal. The County Board of Commissioners shall not issue more than 1 notice of extension for a particular written appeal.*

Where the County Board of Commissioners reduces or upholds the fee, the determination must include a certification from the County Board of Commissioners that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and Section 4 of the FOIA.

Within 45 days after receiving notice of the County Board's determination of an appeal, the requesting person may commence a civil action in the Lenawee County Circuit Court for a fee reduction.

If a civil action is commenced against the County for an excessive fee, the County is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute.

*An action shall not be filed in circuit court unless **one** of the following applies:*

- *The County does not provide for appeals of fees;*
- *The County Board of Commissioners failed to respond to a written appeal as required;*
or
- *The County Board of Commissioners issued a determination to a written appeal.*

If a Court determines that the County required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or Section 4 of the FOIA, the Court shall reduce the fee to a permissible amount. Failure to comply with an order of the Court may be punished as contempt of Court.

If the requesting person prevails in Court by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages.

If the Court determines that the County has arbitrarily and capriciously violated the FOIA by charging an excessive fee, the court shall order the County to pay a civil fine of \$500.00, which shall be deposited in the general fund of the State Treasury. The Court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public

function.

Section 10: Conflict with Prior FOIA Policies and Procedures; Effective Date

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by County Board of Commissioners or the County Administration these Procedures and Guidelines are controlling. To the extent that any administrative rule promulgated by the FOIA Coordinator subsequent to the adoption of this resolution is found to be in conflict with any previous policy promulgated by the County Board of Commissioners or the County Administration, the administrative rule promulgated by the FOIA Coordinator is controlling.

To the extent that any provision of these Procedures and Guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control. The FOIA Coordinator is authorized to modify this policy and all previous policies adopted by the County Board of Commissioners or the County Administration, and to adopt such administrative rules as he or she may deem necessary, to facilitate the review and processing of requests for public records made pursuant to Michigan's FOIA statute, provided that such modifications and rules are consistent with State law. The FOIA Coordinator shall inform the County Board of Commissioners of any change in these Policies and Guidelines.

These FOIA Policies and Guidelines become effective July 1, 2015.

Section 11: Appendix of Lenawee County FOIA Forms

- Request for Public Records Form
- Notice to Extend Response Time Form
- Notice of Denial Form
- Detailed Cost Itemization Form
- Appeal of Denial of Records Form
- Appeal of Excess Fee Form

POL#2025-03

Sick Leave

In accordance with the Earned Sick Time Act, Act 338 of 2018, as amended:

Effective, February 21, 2025, or upon commencement of employment, whichever is later, all employees shall begin to accrue one hour of paid earned sick time for every 30 hours worked. Earned sick time may be used as it is accrued, however employees must wait 90 days after commencing employment before using accrued earned sick time. Employees must exhaust accrued earned sick time prior to being approved for an unpaid leave of absence, including FMLA leave.

Earned sick time will be paid at the base pay rate as of the time of the absence and does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials. Earned sick time shall carry over from year to year, but employees may not use more than 72 hours of paid earned sick time in a single calendar year. The County will not provide financial or other reimbursement for accrued earned sick time that was not used upon an employee's termination, resignation, retirement, or other separation from employment.

Employees are permitted to use accrued earned sick time for any of the following:

- (a) The employee's mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the employee's mental or physical illness, injury, or health condition; or preventative medical care for the employee.*
- (b) For the employee's family member's mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the employee's family member's mental or physical illness, injury, or health condition; or preventative medical care for a family member of the employee.*
- (c) If the employee or the employee's family member is a victim of domestic violence or sexual assault, for medical care or psychological or other counseling for physical or psychological injury or disability; to obtain services from a victim services organization; to relocate due to domestic violence or sexual assault; to obtain legal services; or to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault.*
- (d) For meetings at a child's school or place of care related to the child's health or disability, or the effects of domestic violence or sexual assault on the child; or*
- (e) For closure of the employee's place of business by order of a public official due to a public health emergency; for an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency; or when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or employee's family member's presence in the community would jeopardize the health of others because of the employee's or family member's exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.*

For purposes of this policy, "family member" includes all of the following: (i) a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, or a child to whom the employee stands in loco parentis; (ii) a biological parent, foster parent, stepparent, or adoptive parent or a legal guardian of an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee was a minor child; (iii) a person to whom the employee is legally married under the laws of any state or a domestic partner; (iv) a grandparent; (v) a grandchild; (vi) a biological, foster, or adopted sibling; and (vii) any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

If the need to use earned sick time is foreseeable, employees must provide advance notice of the intention to use earned sick time at least 7 days prior to the date the leave is to begin. If the need to use earned sick time is unexpected, the employee's Supervisor should be notified before the scheduled start of the employee's workday, if possible. If earned sick time is used more than 3 consecutive days, the employee will need to provide a doctor's note or similar documentation explaining that the absence was for a permissible purpose as set forth in this policy.

If a County employee is covered by a collective bargaining agreement in effect on February 21, 2025, this policy applies beginning on the stated expiration date in the collective bargaining agreement, notwithstanding any statement in the agreement that it continues in force until a future date or event or the execution of a new collective bargaining agreement. Retaliatory personnel action against an employee for requesting or using earned sick time for

which the employee is eligible is prohibited. Any employee has the right to bring a civil action or file a complaint with the Michigan Department of Licensing or Regulatory Affairs for any violation of the Earned Sick Time Act, Act 338 of 2018, as amended.

DISCLAIMER: Lenawee County adopts this policy strictly pursuant to and in accordance with Public Act 338 of 2018, as amended which was proposed by initiative petition pursuant to Const. 1963, art 2, section 9., approved by the Michigan Legislature on September 5, 2018, and on July 31, 2024, revived by the Michigan Supreme Court, effective February 21, 2025. See Mothering Justice v. Attorney General, case no. 165325, July 31, 2024. This policy may be modified or revoked subject to any subsequent amendment of the Earned Sick Time Act adopted by the Michigan Legislature.

Comm. Collins moved to approve the Annual Investment Policy, FOIA Policy and Earned Sick Time Policy, as presented, Comm. Martis seconded, Motion CARRIED.

PHYSICAL RESOURCES (Comm. Krasny)

Physical Resources minutes 2/6/25

Comm. Krasny reported from the Physical Resources Committee.

BOARD APPOINTMENT (VOTING MEMBER) REPORTS

AG ADVISORY LAND USE (Comm. Tillotson)

No Report.

AIRPORT COMMISSION (Comm. Collins)

Airport minutes 2/3/25

Comm. Collins reported from the Airport Commission.

COMMUNITY ACTION AGENCY (Comm. Stimpson)

Comm. Stimpson reported from the Community Action Agency.

COMMUNITY MENTAL HEALTH AUTHORITY (Comm. Stimpson)

No Report.

COUNTY PLANNING COMMISSION (Comm. Blanco)

Planning Commission 1/16/25 minutes

No Report.

DEPARTMENT ON AGING (LDA) (Comm. Collins)

Dept. on Aging minutes 1/23/25

Comm. Collins reported from the Dept. on Aging.

DEPARTMENT OF HEALTH & HUMAN SERVICES | MEDICAL CARE FACILITY (Comm. Tillotson)

Comm. Tillotson reported from the Dept. of Health & Human Services/Medical Care Facility.

EMERGENCY 911 DISTRICT BOARD (Comm. Collins)

E911 minutes 1/9/25

Comm. Collins reported from the Emergency 911 District Board.

HEALTH BOARD (Comm. Collins)

No Report.

HOMELAND SECURITY & LOCAL EMERGENCY PLANNING (Comm. Collins)

No Report.

LAND BANK AUTHORITY (Comm. Collins)

Land Bank committee minutes 1/28/25

Sale subcommittee minutes 2/4/25

No Report.

LENAWEE PUBLIC TRANSPORTATION AUTHORITY (Comm. Tillotson)

Comm. Tillotson reported from the Lenawe Public Transportation Authority.

MAC - Finance & General Government (Admin. Murphy)

Comm. Van Doren reported from MAC- Finance & General Government.

MAC- Judiciary & Public Safety (Deputy Elliott)

No Report.

MAURICE SPEAR CAMPUS (Comm. Collins)

Comm. Collins reported from the Maurice Spear Campus.

PARKS COMMISSION (Comm. Tillotson)

No Report.

REGION 2 PLANNING COMMISSION (Comm. Tillotson)

No Report.

SOLID WASTE/MATERIALS MANAGEMENT COMMITTEES (Comm. Stimpson)

Solid Waste minutes 2/5/25

MMP minutes 2/5/25

Comm. Stimpson reported from the Solid Waste/Materials Management Committees.

SUBSTANCE USE DISORDER OVERSIGHT POLICY BOARD (Comm. Tillotson)

No Report.

LIAISON (NON-VOTING) REPORTS

MICHIGAN TOWNSHIP ASSOCIATION (Comm. Aungst)

No Report.

ROAD COMMISSION (Comm. Martis)

Comm. Martis reported from the Road Commission.

VETERANS' AFFAIRS (Comm. Collins)

VA minutes 1/10/25

Comm. Collins reported from Veteran's Affairs.

OTHER LIASON APPOINTMENTS

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Bridging the Gap-Opioid Subcommittee

Administrator Murphy shared information, regarding the new "Bridging the Gap Subcommittee" that will begin in March 2025. The purpose of the subcommittee is to look at gaps in Lenawee County that the Opioid settlement funds can assist with.

Comm. Tillotson moved to approve the appointments to the subcommittee, as presented by Comm. Van Doren, Comm. Martis seconded. Comments were received and discussion was held.

Comm. Stimpson moved to postpone until the next commissioner's meeting, Comm. Tillotson seconded. Motion CARRIED by a Unanimous Roll Call Vote.

2025 Lenawee County Commissioners Scholarship

- Sunday, May 11, 2025 - 2 p.m. Adrian College Dawson Auditorium

Comm. Van Doren shared information, regarding the 2025 Lenawee County Commissioners' Scholarship. Comm. Blanco volunteered to attend the presentation to present the award, at

the Adrian College Dawson Auditorium on Sunday, May 11, 2025, at 2:00 p.m. Comm. Martis and Comm. Aungst were appointed to review the scholarship applications.

PUBLIC COMMENT: [on any topic- 3 minute limit]

None

COMMISSIONER COMMENT:

Comm. Van Doren reminded the commissioners to review the rules that will be addressed next month and highlighted rules 2.20, 4.54, and 6.10.

Comm. Martis shared his respect and appreciation for the comments made and all the hard work that the committees and entities are doing for the county.

ANNOUNCEMENTS:

None

ADJOURN/RECESS:

Comm. Martis moved to adjourn at 2:46 p.m., Comm. Collins seconded, Motion CARRIED.