



Cass County Board of Commissioners

Cass County Board of Commissioners Zoom Meeting Notice

269-445-4420

Because of concerns over Covid-19, and an Emergency Order declared by the Board of Commissioners, the Cass County Board of Commissioners will hold their Regular meeting on November 4, 2021 in person at 6:30 p.m. However, any member of the public who wishes to participate in the meeting remotely may do so.

Zoom Meeting for Cass County Board of Commissioners

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81341391117>

Or Telephone: 1 312 626 6799 or 1 646 558 8656

Webinar ID: 813 4139 1117

Persons with disability needing accommodations for this meeting should contact Carol Bealor at 574-292-0331 or carolb@cassco.org prior to the meeting.



Cass County Board of Commissioners

REGULAR MEETING OF THE CASS COUNTY BOARD OF COMMISSIONERS

Commissioner Chambers
120 N. Broadway, Cassopolis
November 4, 2021
6:30 P.M.

CALL TO ORDER - *Chair Dwight Dyes*

INVOCATION - *Commissioner Jones*

PLEDGE OF ALLEGIANCE - *Commissioner Marchetti*

ROLL CALL - *Clerk/Register Monica McMichael*

INTRODUCTION OF VISITORS - *Chair Dwight Dyes*

PUBLIC COMMENTS (limit to 3 minutes/person)

APPROVAL OF THE AGENDA - *Commissioner Grice*

RECOGNITIONS

PRESENTATIONS

PROPOSED CONSENT AGENDA - *Vice-Chair Grice*

1. **M-189-21** - Motion to approve Claims dated October 29, 2021
2. **M-190-21** - Motion to approve the October 21, 2021 Board of Commissioners Regular meeting minutes

[MOTION: I move the above listed items be voted on at one time by a roll call vote and be considered as the consent agenda by the Board of Commissioners]

COMMITTEE REPORTS

District 1 - Commissioner Laylin
District 2 - Commissioner File
District 3 - Commissioner Dyes
District 4 - Commissioner Marchetti
District 5 - Commissioner Benjamin
District 6 - Commissioner Grice
District 7 - Commissioner Jones

ADMINISTRATOR’S REPORT - *Administrator Jeff Carmen*

PUBLIC SAFETY REPORT

COUNTY PARTNERS

ELECTED OFFICIALS

UNFINISHED BUSINESS

NEW BUSINESS

1. **R-191-21** - Resolution - FOIA Procedures and Guidelines for Cass County - *Commissioner File*
2. **R-192-21** - Resolution - FOIA Procedures and Guidelines for Cass County Sheriff - *Commissioner Laylin*

CLOSED SESSION

BOARD MEMBER COMMENTS/ANNOUNCEMENTS

ADJOURNMENT

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Fund 101 TREASURER							
Dept 131 CIRCUIT COURT							
101-131-813.000	DATA P. -SOFTWARE TECH.SUI	MICHIGAN SUPREME COURT	JIS USER FEES C43 OCT-DEC 2021	102121	10/29/21	5,560.65	1190341
101-131-813.000	DATA P. -SOFTWARE TECH.SUI	MICHIGAN SUPREME COURT	MICOURT REMOTE ACCESS FEES C43 JULY	1021212	10/29/21	187.50	1190341
Total For Dept 131 CIRCUIT COURT						5,748.15	
Dept 136 DISTRICT COURT							
101-136-801.301	DRUG ATTORNEY FEES	SARAH SCOGGIN	ATC/SC ATTY FEES (9/24, 10/22)	102221	10/29/21	400.00	20016
101-136-802.000	DUES/MEMBERSHIP/SUBSCRIPTI	STATE BAR OF MICHIGAN	BAR DUES - HON. STACEY RENTFROW P55	451709	10/29/21	340.00	1190350
101-136-813.000	DATA P.-SOFTWARE TECH. SUI	STATE OF MICHIGAN	D04 - 10/21/21 - OCT, NOV. DE C 20.	4TH DISTRICT	10/29/21	5,627.54	1190351
101-136-813.000	DATA P.-SOFTWARE TECH. SUI	STATE OF MICHIGAN	D04 - 10/21/21 - JULY, AUG, SEPT 20.	4TH DIST CT	10/29/21	375.00	1190351
Total For Dept 136 DISTRICT COURT						6,742.54	
Dept 141 FOC							
101-141-777.000	MOTOR FUEL/LUBRICANT	J & H OIL COMPANY	FOC SQUAD FUEL	CFSI-6700	10/29/21	38.64	19994
101-141-801.020	BANK CHARGES	FIFTH-THIRD BANK ACCT	POST TO FY 21 FOR SEPTEMBER BANK FE	09-21	10/29/21	72.59	1190330
101-141-861.000	CONFERENCE/MEETINGS/TRAINI	RICHARD KNILL	THINKZOOM TRAINING ACCESS	12191	10/29/21	875.00	19989
Total For Dept 141 FOC						986.23	
Dept 148 PROBATE COURT							
101-148-801.000	PROFESSIONAL/CONTRACTUAL \$	FRASER TREBILCOCK DAVI	MEDIATION FEES	321973	10/21/21	4,971.12	1190297
101-148-802.000	DUES/MEMBERSHIP/SUBSCRIPTI	STATE BAR OF MICHIGAN	ATTORNEY REFEREE LEIGH FELDMAN'S ST.	10.25.2021	10/29/21	440.00	1190350
101-148-807.020	INDIGENT LEGAL COSTS (NON-MARK J. CRAIG		COURT APPT. ATTY. FEE FOR 2011-160-I	10.20.2021	10/29/21	175.00	19980
101-148-807.020	INDIGENT LEGAL COSTS (NON-MAY OBERFELL &LORBER		COURT APPT. GAL FEES FOR 2021-194-GI	10.19.2021	10/29/21	725.00	20000
101-148-807.020	INDIGENT LEGAL COSTS (NON-MAY OBERFELL &LORBER		COURT APPT. GAL FEE FOR 2019-090-GM	10.19.21	10/29/21	540.00	20000
101-148-813.000	DATA P.-SOFTWARE TECH. SUI	MICHIGAN SUPREME COURT	PROBATE AND JUVENILE - JIS USER FEE	10.21.2021	10/29/21	3,790.98	1190341
Total For Dept 148 PROBATE COURT						10,642.10	
Dept 149 FAMILY/JUVENILE COURT							
101-149-802.000	DUES/MEMBERSHIP/SUBSCRIPTI	STATE OF MICHIGAN	JULY-SEPT, 2021 FOR P14 REMOTE ACCE	102021	10/29/21	187.50	1190351
101-149-807.060	LEGAL COSTS-NEGLECT/ABUSE	HEIDI ANN DUNCAN	NEGLECT/ABUSE - INDIGENT DEFENSE	102021	10/29/21	180.00	19985
101-149-807.060	LEGAL COSTS-NEGLECT/ABUSE	ROBERT KARDATZKE	NEGLECT/ABUSE - INDIGENT DEFENSE	102021	10/29/21	90.00	19998
101-149-807.060	LEGAL COSTS-NEGLECT/ABUSE	MAY OBERFELL &LORBER	NEGLECT/ABUSE - INDIGENT DEFENSE	102021	10/29/21	410.00	20000
101-149-807.060	LEGAL COSTS-NEGLECT/ABUSE	ELIZABETH MCCREE	NEGLECT/ABUSE - INDIGENT DEFENSE	102021	10/29/21	2,795.00	20001
101-149-807.060	LEGAL COSTS-NEGLECT/ABUSE	LUKE D NOFSINGER	NEGLECT/ABUSE - INDIGENT DEFENSE	102021	10/29/21	90.00	20005
101-149-807.060	LEGAL COSTS-NEGLECT/ABUSE	SARAH SCOGGIN	NEGLECT/ABUSE - INDIGENT DEFENSE	102021	10/29/21	1,180.00	20016
101-149-807.060	LEGAL COSTS-NEGLECT/ABUSE	STEPHEN K. WOODS. P.C.	NEGLECT/ABUSE - INDIGENT DEFENSE	102021	10/29/21	360.00	20021
Total For Dept 149 FAMILY/JUVENILE COURT						5,292.50	
Dept 172 ADMINISTRATION							
101-172-727.001	SUPPLIES - COVID-19	KSS ENTERPRISES	CLOROX FOR COVID MACHINE/MAINTENANC	1333937	10/21/21	348.86	1190300
101-172-801.000	PROFESSIONAL/CONTRACTUAL \$	APPRAISAL GROUP II INC	BALANCE OF APPRAISAL FEES FOR CASS	101921	10/20/21	2,300.00	1190281
101-172-801.000	PROFESSIONAL/CONTRACTUAL \$	INTERSECT STUDIO LLC	JAIL WINDOWS/DOC OFFICES/CCDET/SHER	2095	10/29/21	4.09	19993
101-172-801.000	PROFESSIONAL/CONTRACTUAL \$	INTERSECT STUDIO LLC	JAIL WINDOWS/DOC OFFICES/CCDET/SHER	2095	10/29/21	36.96	19993
101-172-801.000	PROFESSIONAL/CONTRACTUAL \$	INTERSECT STUDIO LLC	JAIL WINDOWS/DOC OFFICES/CCDET/SHER	2095	10/29/21	1,965.00	19993
101-172-802.000	DUES/MEMBERSHIP/SUBSCRIPTI	MACAO	ANNUAL DUES	M1045	10/21/21	190.00	1190302
101-172-861.000	CONFERENCE/MEETINGS/TRAINI	MATT NEWTON	REIMBURSEMENT FOR MEAL - UNION NEGOT	102121	10/21/21	57.96	1190304
101-172-861.000	CONFERENCE/MEETINGS/TRAINI	PORKY'S PARTY PLACE	MEAL - COMMITTEE MEETINGS (3)	102121	10/21/21	41.97	1190305
Total For Dept 172 ADMINISTRATION						4,944.84	
Dept 191 ELECTIONS							
101-191-902.000	PUBLIC NOTIFICATION/LEGAL	GATEHOUSE MEDIA INDIAN	PUBLIC HEARING NOTICE BOB BUDGET	ACCT#564232	10/21/21	78.02	1190298
Total For Dept 191 ELECTIONS						78.02	
Dept 223 CONTROLLER							
101-223-801.000	PROFESSIONAL/CONTRACTUAL \$	REBECCA MOORE	CONTRACTUAL ACCOUNTING SERVICES - O	103121	10/29/21	6,000.00	20003

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Fund 101 TREASURER Dept 223 CONTROLLER							
			Total For Dept 223 CONTROLLER			6,000.00	
Dept 225 EQUALIZATION 101-225-802.000	DUES/MEMBERSHIP/SUBSCRIPTI	MICHIGAN ASSESSORS ASS	MEMBERSHIP DUES - T STEWART	FY2022	10/25/21	90.00	1190308
			Total For Dept 225 EQUALIZATION			90.00	
Dept 229 PROSECUTING ATTORNEY 101-229-805.000	WITNESS FEES/EXPENSES	BAILEY REGINA	BRIAN BAILEY PRELIM 10/20/2021	10202021	10/29/21	9.12	1190318
101-229-805.000	WITNESS FEES/EXPENSES	DEWEY KAYLA	GEORGE COX TRIAL/PLEA 10/19/2021	10192021	10/29/21	15.12	1190328
101-229-805.000	WITNESS FEES/EXPENSES	KISTLER KILEY JO	LLOYD LAMBRIGHT TRIAL/PLEA	10192021	10/29/21	12.00	1190336
101-229-805.000	WITNESS FEES/EXPENSES	RAGLAND ANGELA	LLOYD LAMBRIGHT TRIAL/PLEA 10/19/20	10192021	10/29/21	14.88	1190345
101-229-805.000	WITNESS FEES/EXPENSES	TRIPP LEAH	GABRIEL GONZALEZ PRELIM 10/20/2021	10202021	10/29/21	10.08	1190353
101-229-805.010	EXPERT WITNESS FEES	GLORIA GILLESPIE	PREPPED FOR TESTIMONY FOR VICTOR NE	NEWSOME	10/29/21	300.00	19988
101-229-822.000	PATERNITY EXP. (CHILD SUP	LEGAL SUPPORT SERVICES	SERVICE ON NCP AT 2331 105TH AVENUE	21-457-DP	10/25/21	95.00	1190306
101-229-861.000	CONFERENCE/MEETINGS/TRAINI	SCOTT A. JOHNSON	EXPLORING SEX OFFENDER & VIOLENT OF	12/2-12/3	10/29/21	200.00	1190349
			Total For Dept 229 PROSECUTING ATTORNEY			656.20	
Dept 230 GIS 101-230-727.000	SUPPLIES	CASS COUNTY CONSERVATI	3 PLAT BOOKS	8378	10/21/21	67.19	1190296
101-230-727.000	SUPPLIES	RATHCO SAFETY SUPPLY,	911 ADDRESS SIGNS	172885	10/25/21	1,133.78	1190311
			Total For Dept 230 GIS			1,200.97	
Dept 231 VICTIM RIGHTS GRANT 101-231-836.000	DIRECT VICTIM NEEDS	MARIE ANDERSON	REIMBURSEMENT FOR GAS CARDS PURCHAS	10252021	10/29/21	100.00	19974
			Total For Dept 231 VICTIM RIGHTS GRANT			100.00	
Dept 233 PURCHASING 101-233-730.000	POSTAGE	UPS	UPS CHARGES	565411	10/21/21	4.43	1190303
101-233-730.000	POSTAGE	PITNEY BOWES GLOBAL FI	POSTAGE MACHINE LEASE FEES - COUNTY	1019254501101912	10/29/21	306.40	20009
101-233-730.000	POSTAGE	PITNEY BOWES GLOBAL FI	POSTAGE MACHINE LEASE FEES - COUNTY	1019254501101912	10/29/21	452.16	20009
101-233-850.030	TELEPHONE-MDOC	MITEL NET SOLUTIONS	TELPEPHONE - MDOC	37705196	10/20/21	66.08	19971
101-233-900.000	PRINTING & BINDING	KCI	ESTIMATED POSTAGE FOR PERSONAL PROP	215984	10/25/21	168.13	1190307
			Total For Dept 233 PURCHASING			997.20	
Dept 258 INFORMATION SYSTEMS 101-258-987.070	SOFTWARE MAINT-MAP WORKSP	AMALGAM LLC	FETCH GIS ANNUAL LICENSE FEE	102021-02	10/25/21	4,500.00	1190309
101-258-987.130	HIGH SPEED INTERNET ACCESS	COMCAST	HIGH SPEED INTERNET ACCESS	FY2022	10/22/21	420.29	19972
			Total For Dept 258 INFORMATION SYSTEMS			4,920.29	
Dept 265 MAINTENANCE 101-265-776.075	MAINTENANCE SUPPLIES	KSS ENTERPRISES	COLOROX FOR COVID MACHINE/MAINTENANC	1333937	10/21/21	73.86	1190300
101-265-803.004	CONTRACTUAL SVC	JEFFRY LOCKE	CONTRACTUAL COUNTY PROPERTY - AUGUS	273	10/21/21	1,440.00	1190301
101-265-803.080	CONTRACTUAL ALARM MONITORI	HAAS SYSTEMS, INC.	FY 2022 ALARM CONTRACT	15330	10/20/21	3,445.20	1190280
101-265-930.075	GENERAL REPAIRS	GRAINGER, INC.	MAINTENANCE REPAIRS	9074638959	10/21/21	60.27	1190299
101-265-930.075	GENERAL REPAIRS	GRAINGER, INC.	MAINTENANCE REPAIRS	9082992513	10/25/21	23.38	1190310
101-265-944.065	ANNUAL INSPECTION	ANTHONY FIELDS	FY2022 FIRE EXTINGUISHER INSPECTION	4339	10/29/21	2,088.10	19999
			Total For Dept 265 MAINTENANCE			7,130.81	
Dept 282 COURT GRANT PROGRAMS 101-282-801.010	CONTRACTUAL	PRESTON COLLETT	PROBLEM-SOLVING COURTS 10/7 - 10/2	102121	10/29/21	252.00	19978
101-282-801.010	CONTRACTUAL	RAYMOND FLEMING	PROBLEM-SOLVING COURTS 10/7 - 10/2	102021	10/29/21	151.58	19987
101-282-801.010	CONTRACTUAL	BRANDY JONES	PROBLEM-SOLVING COURTS 10/7 - 10/2	102021	10/29/21	15.24	19996
101-282-801.010	CONTRACTUAL	GRACE MULLER	PROBLEM-SOLVING COURTS 10/7 - 10/2	102021	10/29/21	800.00	20004
101-282-801.010	CONTRACTUAL	HEATHER PAULEY	PROBLEM-SOLVING COURTS 10/7 - 10/2	102021	10/29/21	120.35	20007

Dept 306 HOWARD TOWNSHIP POLICE

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Fund 101 TREASURER							
Dept 306 HOWARD TOWNSHIP POLICE							
101-306-850.000	TELEPHONE	VERIZON WIRELESS	MOBILE BROADBAND 09/2021	9889936460	10/29/21	40.01	1190356
Total For Dept 306 HOWARD TOWNSHIP POLICE						40.01	
Dept 351 JAIL OPERATION							
101-351-735.060	IN COUNTY INMATE MEDICAL (VAN BUREN/CASS DISTRICT		INMATE DENTAL-DEIDRA TOMLIN	1013408319	10/29/21	150.00	1190355
101-351-735.060	IN COUNTY INMATE MEDICAL (CORRECTIONAL RECOVERY		INMATE MEDICAL	100034128	10/29/21	891.18	19979
101-351-735.060	IN COUNTY INMATE MEDICAL (CORRECTIONAL RECOVERY		INMATE MEDICAL	100034138	10/29/21	224.58	19979
101-351-746.010	UNIFORMS	NYE UNIFORM CO.	UNIFORMS	790712	10/29/21	186.00	1190343
101-351-746.010	UNIFORMS	NYE UNIFORM CO.	UNIFORMS	790720	10/29/21	194.00	1190343
101-351-746.010	UNIFORMS	NYE UNIFORM CO.	UNIFORMS	790721	10/29/21	212.60	1190343
101-351-746.010	UNIFORMS	NYE UNIFORM CO.	UNIFORMS	790723	10/29/21	77.00	1190343
101-351-775.000	CLEANING SUPPLIES	KSS ENTERPRISES	JAIL CLEANING SUPPLIES	1332973	10/29/21	205.87	1190337
101-351-775.000	CLEANING SUPPLIES	UNIFIRST CORPORATION	RUGS	099 0308116	10/29/21	45.05	1190354
101-351-803.004	CONTRACTUAL SVC	INTERSECT STUDIO LLC	JAIL WINDOWS/DOC OFFICES/CCDET/SHER	2095	10/29/21	660.00	19993
101-351-803.004	CONTRACTUAL SVC	INTERSECT STUDIO LLC	JAIL WINDOWS/DOC OFFICES/CCDET/SHER	2095	10/29/21	1,983.75	19993
101-351-814.000	PRISONER BOARD (MEALS)	CANTEEN SERVICES, INC.	INMATE MEALS WEEK OF 10/03/21-10/09	110807	10/29/21	2,742.04	19977
101-351-814.000	PRISONER BOARD (MEALS)	CANTEEN SERVICES, INC.	INMATE MEAL TRAYS WEEK OF 10/03/21	110808	10/29/21	95.45	19977
101-351-814.000	PRISONER BOARD (MEALS)	CANTEEN SERVICES, INC.	INMATE MEALS WEEK OF 10/10/21-10/16	110984	10/29/21	2,504.40	19977
101-351-936.000	RECORDS MANAGEMENT SYSTEM	INTERACT PUBLIC SAFETY	CRIMECOG 11/2021	CPSMN0001301	10/29/21	2,042.05	1190333
Total For Dept 351 JAIL OPERATION						12,213.97	
Dept 430 ANIMAL CONTROL							
101-430-777.000	MOTOR FUEL/LUBRICANT	J & H OIL COMPANY	FUEL	CFSI-6698	10/29/21	144.26	19994
101-430-777.001	VEHICLE REPAIRS/MAINTENANCE	C. WIMBERLEY FORD-MERC	STARTER AND CONTROL MODULE REPLACEMENT	61208	10/29/21	743.14	1190322
101-430-777.001	VEHICLE REPAIRS/MAINTENANCE	CASS AUTO SUPPLY CO, INC	BATTERY, UNIT 95	1-120433	10/29/21	124.93	1190323
101-430-777.001	VEHICLE REPAIRS/MAINTENANCE	CASS AUTO SUPPLY CO, INC	BATTERY UNIT 95	1-120438	10/29/21	7.51	1190323
101-430-850.000	TELEPHONE	VERIZON WIRELESS	MOBILE BROADBAND 09/2021	9889936460	10/29/21	110.92	1190356
Total For Dept 430 ANIMAL CONTROL						1,130.76	
Dept 648 MEDICAL EXAMINER							
101-648-860.610	FUNERAL HOME TRANSPORTS	CONNELLY CHAPEL WAGNER	TRANSFER/REMOVAL OF REMAINS	10122021	10/29/21	750.00	20019
Total For Dept 648 MEDICAL EXAMINER						750.00	
Dept 681 VETERANS BURIALS							
101-681-831.001	BURIAL FEES	BROWN FUNERAL HOME & COMPANY	BURIAL BENEFIT - R MILLER	R MILER	10/21/21	300.00	1190295
Total For Dept 681 VETERANS BURIALS						300.00	
Total For Fund 101 TREASURER						89,407.17	
Fund 208 PARKS SPECIAL REVENUE							
Dept 751 PARKS & RECREATION							
208-751-640.000	PARKS REVENUE	AMY POLANCO	REFUND FOR PARKS RENTAL	82	10/29/21	50.00	1190317
208-751-640.000	PARKS REVENUE	BILL SHUPP	REFUND FOR PARKS RENTAL	090	10/29/21	50.00	1190319
208-751-640.000	PARKS REVENUE	BRUCE RIENKS	REFUND FOR PARKS RENTAL	088	10/29/21	50.00	1190320
208-751-640.000	PARKS REVENUE	CRYSTAL ROEHA	REFUND FOR PARKS RENTAL	84	10/29/21	50.00	1190327
208-751-640.000	PARKS REVENUE	KARRI TARANTINO	REFUND FOR PARKS RENTAL	093021	10/29/21	50.00	1190335
208-751-640.000	PARKS REVENUE	MONICA GARZA	REFUND FOR PARKS RENTAL	89	10/29/21	50.00	1190342
208-751-640.000	PARKS REVENUE	ROBYN SKORUPA	REFUND FOR PARKS RENTAL	087	10/29/21	50.00	1190348
208-751-640.000	PARKS REVENUE	TIANNA SOUZA	REFUND FOR PARKS RENTAL	77	10/29/21	50.00	1190352
208-751-727.000	SUPPLIES	ROBERT PARRISH	PROMOTIONAL DARK SKY CUPS	2012	10/29/21	150.00	1190347
208-751-777.000	MOTOR FUEL/LUBRICANT	J & H OIL COMPANY	FUEL	34598	10/29/21	709.83	19994
208-751-801.145	PARKS PLAN & USE CONTRACT	OCBA	LAWLESS MASTER PLAN	052016	10/29/21	3,925.00	1190344
208-751-803.002	CONTRACTUAL (MOWING/JOY JO)	GREENWAY QUALITY LAWN CARE	LAWN CARE	5678	10/29/21	2,140.00	19991

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Fund 208 PARKS SPECIAL REVENUE							
Dept 751 PARKS & RECREATION							
208-751-803.004	CONTRACTUAL SVC	JAKE RUSSELL	CLEAN OUT DOWAGIAC RIVER FROM DODD	61	10/18/21	4,050.00	1190277
208-751-930.001	SPECIAL EVENTS	MICHIGAN FESTIVAL OF S	MUSIC AT LAWLESS PARK	09112021	10/27/21	500.00	1190358
208-751-930.001	SPECIAL EVENTS	ECKLER'S PRODUCE AND G	PUMPKINS FOR EVENT	14290	10/29/21	15.00	1190329
Total For Dept 751 PARKS & RECREATION						11,889.83	
Total For Fund 208 PARKS SPECIAL REVENUE						11,889.83	
Fund 216 FAMILY DRUG COURT GRANTS							
Dept 166 FAMILY DRUG COURT							
216-166-801.053	CONTRACTUAL	MONIQUE DORTCH	PROBLEM-SOLVING COURTS 10/7 - 10/2	102021	10/29/21	736.00	19982
216-166-801.053	CONTRACTUAL	BARBARA M. HOWES	PROBLEM-SOLVING COURTS 10/7 - 10/2	102021	10/29/21	750.00	19992
216-166-801.053	CONTRACTUAL	SARAH WEBB	OJJDP THERAPY FOR OCTOBER, 2021	102021	10/29/21	375.00	20013
216-166-801.053	CONTRACTUAL	CHELSEA SCHOETZOW	PROBLEM-SOLVING COURTS 10/7 - 10/2	102021	10/29/21	800.64	20014
216-166-801.220	(SCAO) (MHSDCP) CONTRACTU	PRESTON COLLETT	PROBLEM-SOLVING COURTS 10/7 - 10/2	102121	10/29/21	720.00	19978
216-166-801.220	(SCAO) (MHSDCP) CONTRACTU	MEGHAN DAWSON	PROBLEM-SOLVING COURTS 10/7 - 10/2	102021	10/29/21	1,305.00	19981
216-166-801.220	(SCAO) (MHSDCP) CONTRACTU	CLARENCE JAMES	PROBLEM-SOLVING COURTS 10/7 - 10/2	102021	10/29/21	1,200.00	19995
216-166-801.220	(SCAO) (MHSDCP) CONTRACTU	GRACE MULLER	PROBLEM-SOLVING COURTS 10/7 - 10/2	102021	10/29/21	800.00	20004
216-166-801.220	(SCAO) (MHSDCP) CONTRACTU	HEATHER PAULEY	PROBLEM-SOLVING COURTS 10/7 - 10/2	102021	10/29/21	184.29	20007
216-166-801.220	(SCAO) (MHSDCP) CONTRACTU	JESSEE SCHOETZOW	PROBLEM-SOLVING COURTS 10/7 - 10/2	102021	10/29/21	190.26	20015
Total For Dept 166 FAMILY DRUG COURT						7,061.19	
Total For Fund 216 FAMILY DRUG COURT GRANTS						7,061.19	
Fund 233 MARCELLUS TWP POLICE CONTRACT							
Dept 310 COPS FAST GRANT							
233-310-850.000	TELEPHONE	VERIZON WIRELESS	MOBILE BROADBAND 09/2021	9889936460	10/29/21	40.01	1190356
Total For Dept 310 COPS FAST GRANT						40.01	
Total For Fund 233 MARCELLUS TWP POLICE CONTRACT						40.01	
Fund 258 MIDC (MICHIGAN INDIGENT DEFENSE COMM.)							
Dept 258 INFORMATION SYSTEMS							
258-258-807.070	CONFLICT COUNSEL	THOMAS BECKER	CONFLICT COUNSEL FEES	102021	10/29/21	575.90	20017
258-258-807.071	COUNSEL AT FIRST ARRAIGNME	HEIDI DUNCAN	COUNSEL AT FIRST ARRAIGNMENT FEES	NOVEMBER 2021	10/29/21	4,290.00	19984
258-258-807.167	INDIGENT DEFENSE RETAINER	ROBERT W DRAKE	INDIGENT DEFENSE RETAINER - NOVEMBE	NOVEMBER 2021	10/29/21	8,580.00	19983
258-258-807.167	INDIGENT DEFENSE RETAINER	ROBERT W DRAKE	INDIGENT DEFENSE RETAINER - NOVEMBE	NOVEMBER 2021	10/29/21	289.00	19983
258-258-807.167	INDIGENT DEFENSE RETAINER	ROBERT W DRAKE	INDIGENT DEFENSE RETAINER - OCTOBER	OCTOBER	10/29/21	900.00	19983
258-258-807.167	INDIGENT DEFENSE RETAINER	GREGORY FELDMAN	INDIGENT DEFENSE RETAINER - NOVEMBE	NOVEMBER 2021	10/29/21	289.00	19986
258-258-807.167	INDIGENT DEFENSE RETAINER	GREGORY FELDMAN	INDIGENT DEFENSE RETAINER - NOVEMBE	NOVEMBER 2021	10/29/21	8,580.00	19986
258-258-807.167	INDIGENT DEFENSE RETAINER	ROBERT KARDATZKE	INDIGENT DEFENSE RETAINER - NOVEMBE	NOVEMBER 2021	10/29/21	8,580.00	19998
258-258-807.167	INDIGENT DEFENSE RETAINER	ROBERT KARDATZKE	INDIGENT DEFENSE RETAINER - NOVEMBE	NOVEMBER 2021	10/29/21	289.00	19998
Total For Dept 258 INFORMATION SYSTEMS						32,372.90	
Total For Fund 258 MIDC (MICHIGAN INDIGENT DEFENSE)						32,372.90	
Fund 261 CENTRAL DISPATCH FUND							
Dept 301 OFFICE OF SHERIFF							
261-301-775.000	CLEANING SUPPLIES	UNIFIRST CORPORATION	RUGS	099 0307292	10/29/21	32.78	1190354
261-301-850.000	TELEPHONE	LANGUAGE LINE SERVICES	INTERPRETOR 09/2021	10335216	10/29/21	22.00	1190338
261-301-920.000	UTILITIES	INDIANA MICHIGAN POWER ELECTRIC (1)		102521	10/25/21	14.46	20022
261-301-922.000	WATER / SEWER	CASSOPOLIS VILLAGE TRE	DISPATCH WATER/SEWER 09/15/21-10/15	1VC1209	10/29/21	96.24	1190324
Total For Dept 301 OFFICE OF SHERIFF						165.48	

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Fund 261 CENTRAL DISPATCH FUND							
Total For Fund 261 CENTRAL DISPATCH FUND						165.48	
Fund 267 SHERIFF NON-DRUG FORFEIT. FUND							
Dept 301 OFFICE OF SHERIFF							
267-301-701.000	EXPENDITURES	LEXISNEXIS RISK SOLUTIONS	TEK MAINT 09/01/21-08/31/22	I100164-20210930	10/29/21	1,200.00	1190339
Total For Dept 301 OFFICE OF SHERIFF						1,200.00	
Total For Fund 267 SHERIFF NON-DRUG FORFEIT. FUND						1,200.00	
Fund 271 C.C. DRUG ENFORCEMENT TEAM							
Dept 301 OFFICE OF SHERIFF							
271-301-725.050	VEHICLE INSURANCE	CITY OF DOWAGIAC	CCDET QUARTER ENDING 09/30/2021	0000003679	10/29/21	2,399.84	1190325
271-301-801.000	PROFESSIONAL/CONTRACTUAL SERVICES	INTERSECT STUDIO LLC	JAIL WINDOWS/DOC OFFICES/CCDET/SHERIFF	2095	10/29/21	550.00	19993
271-301-811.200	VETERINARY SERVICES/K-9 SERVICES	RIVER VALLEY EQUINE CL	NELLIE VET	411826	10/29/21	123.00	1190346
271-301-830.000	DOWAGIAC CONTRACTED WAGES	CITY OF DOWAGIAC	CCDET QUARTER ENDING 09/30/2021	0000003679	10/29/21	42,649.82	1190325
271-301-831.000	DOWAGIAC CONTRACTED BENEFITS	CITY OF DOWAGIAC	CCDET QUARTER ENDING 09/30/2021	0000003679	10/29/21	20,597.62	1190325
271-301-850.000	TELEPHONE	CITY OF DOWAGIAC	CCDET QUARTER ENDING 09/30/2021	0000003679	10/29/21	1,746.70	1190325
271-301-850.000	TELEPHONE	VERIZON WIRELESS	MOBILE BROADBAND 09/2021	9889936460	10/29/21	40.01	1190356
271-301-861.000	CONFERENCE/MEETINGS/TRAINING	CITY OF DOWAGIAC	CCDET QUARTER ENDING 09/30/2021	0000003679	10/29/21	567.70	1190325
271-301-920.000	UTILITIES	MIDWEST ENERGY COOPERATIVE	CCDET UTILITIES 09/15/21-10/15/21	2850801	10/29/21	240.45	20002
271-301-920.000	UTILITIES	MIDWEST ENERGY COOPERATIVE	CCDET UTILITIES 09/15/21-10/15/21	2851202	10/29/21	138.18	20002
271-301-920.000	UTILITIES	MIDWEST ENERGY COOPERATIVE	CCDET UTILITIES 09/15/21-10/15/21	3813101	10/29/21	43.53	20002
Total For Dept 301 OFFICE OF SHERIFF						69,096.85	
Total For Fund 271 C.C. DRUG ENFORCEMENT TEAM						69,096.85	
Fund 274 COUNCIL ON AGING MILLAGE FUND							
Dept 672 AREA AGENCY ON AGING							
274-672-402.000	CURRENT PROPERTY TAX	CASS COUNTY COUNCIL ON AGING	CITY OF DOWAGIAC HOUSING PILOT CURRENT	22-527	10/26/21	2,147.29	1190314
Total For Dept 672 AREA AGENCY ON AGING						2,147.29	
Total For Fund 274 COUNCIL ON AGING MILLAGE FUND						2,147.29	
Fund 284 COMMUNITY CORRECTIONS GRANT							
Dept 362 JAIL TRAINING							
284-362-801.064	CONTRACTUAL COGNITIVE MRT	PRESTON COLLETT	JAIL MRT 09/2021	00012	10/29/21	750.00	19978
284-362-801.064	CONTRACTUAL COGNITIVE MRT	VALERIE JONES	JAIL MRT 09/2021	00011	10/29/21	300.00	19997
284-362-801.067	PRETRIAL SERVICES & SUPERVISION	HOUSE ARREST SERVICES, GPS, SCRAM, SOBERLINK	09/2021	4817755-SEP	10/29/21	1,154.25	1190332
Total For Dept 362 JAIL TRAINING						2,204.25	
Total For Fund 284 COMMUNITY CORRECTIONS GRANT						2,204.25	
Fund 292 FAMILY COURT CHILD CARE FUND							
Dept 662 CHILD CARE - FAMILY							
292-662-801.150	COURT WRAPAROUND PROGRAM	KARA COX	WRAPAROUND SERVICES 1/1 - 1/20/21	102021	10/29/21	680.00	1190326
292-662-842.007	BASIC GRANT - COUNSELING	ROBERT BROOKS	WRAPAROUND SERVICES/BASIC GRANT 10/2021	102021	10/29/21	1,380.00	19975
Total For Dept 662 CHILD CARE - FAMILY						2,060.00	
Total For Fund 292 FAMILY COURT CHILD CARE FUND						2,060.00	
Fund 297 DHS CHILD CARE							
Dept 663 CHILD CARE - DHS							
297-663-842.001	PARENT AIDE	ROXANN RICE	DHHS PARENT AIDE FOR 10/4/21 - 10/11/21	102021	10/29/21	672.00	20011
Total For Dept 663 CHILD CARE - DHS						672.00	

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Fund 297 DHS CHILD CARE							
Total For Fund 297 DHS CHILD CARE						672.00	
Fund 510 CASS CTY LAND BANK AUTHORITY							
Dept 690 CASS COUNTY - PART H PROGRAM							
510-690-802.000	DUES/MEMBERSHIP/SUBSCRIPTI	MICHIGAN ASSOCIATION O	2021 MALB ANNUAL SUMMIT	2005	10/18/21	50.00	1190273
Total For Dept 690 CASS COUNTY - PART H PROGRAM						50.00	
Total For Fund 510 CASS CTY LAND BANK AUTHORITY						50.00	
Fund 595 JAIL COMMISSARY FUND							
Dept 351 JAIL OPERATION							
595-351-726.000	SUPPLIES	CANTEEN SERVICES, INC.	INMATE COMMISSARY SALES WEEK OF 10/	110693	10/29/21	1,695.21	19977
595-351-726.000	SUPPLIES	CANTEEN SERVICES, INC.	INMATE COMMISSARY SALES WEEK OF 10/	110873	10/29/21	1,721.90	19977
Total For Dept 351 JAIL OPERATION						3,417.11	
Total For Fund 595 JAIL COMMISSARY FUND						3,417.11	
Fund 616 TAX REVOLVING CONTROL FUND							
Dept 254 TAX SALE							
616-254-801.018	18 TAX YR SALE EXPENDITURE	CASS COUNTY CLERK/REGI	RECORD CERTIF OF REDEMPTIONS 2018-2	22-525	10/19/21	60.00	1190278
616-254-801.019	19 TAX YR SALE EXPENDITURE	CASS COUNTY CLERK/REGI	RECORD CERTIF OF REDEMPTIONS 2018-2	22-525	10/19/21	900.00	1190278
616-254-801.019	19 TAX YR SALE EXPENDITURE	TITLE CHECK, LLC	PARCEL ADMIN FEES 2019 FORFEITURE C	2110-02	10/19/21	2,730.00	1190279
Total For Dept 254 TAX SALE						3,690.00	
Total For Fund 616 TAX REVOLVING CONTROL FUND						3,690.00	
Fund 701 TRUST & AGENCY							
Dept 000 TREASURER							
701-000-221.000	DUE CITY OF DOWAGIAC	DOWAGIAC CITY TREASURE	ORDINANCE FINES & COSTS - SEPTEMBER	22-517	10/18/21	358.05	1190270
701-000-222.014	DUE TO MCF	CASS COUNTY MEDICAL CA	CITY OF DOWAGIAC HOUSING PILOT	22-528	10/26/21	1,076.99	1190315
701-000-226.010	DUE CALVIN	CALVIN TWP. TREASURER	ORDINANCE FINES & COSTS - SEPTEMBER	22-521	10/18/21	21.45	1190268
701-000-226.020	DUE HOWARD	HOWARD TOWNSHIP TREASU	ORDINANCE FINES & COSTS - SEPTEMBER	22-519	10/18/21	23.10	1190271
701-000-226.040	DUE LA GRANGE	LAGRANGE TWP. TREASURE	ORDINANCE FINES & COSTS - SEPTEMBER	22-522	10/18/21	138.60	1190272
701-000-226.090	DUE ONTWA	ONTWA TWP. TREASURER	ORDINANCE FINES & COSTS - SEPTEMBER	22-518	10/18/21	957.31	1190274
701-000-226.130	DUE SILVERCREEK	SILVER CREEK TWP. TREA	ORDINANCE FINES & COSTS - SEPTEMBER	22-520	10/18/21	110.55	1190275
701-000-227.010	DUE VILLAGE - CASSOPOLIS	CASSOPOLIS VILLAGE TRE	ORDINANCE FINES & COSTS - SEPTEMBER	22-523	10/18/21	387.75	1190269
701-000-227.020	DUE VILLAGE - EDWARDSBURG	VILLAGE OF EDWARDSBURG	ORDINANCE FINES & COSTS - SEPTEMBER	22-524	10/18/21	734.25	1190276
701-000-228.010	DUE STATE - S.E.T. TAX	STATE OF MICHIGAN	SET/MOBILE HOME TAX - 09/30/21	2720-093021	10/26/21	2,923,655.14	1190316
701-000-228.040	PROBATE JUDGES RETIREMENT	STATE OF MICHIGAN	QUARTERLY RETIREMENT - JUDGE DOBRIC	093021	10/25/21	2,119.88	1190312
701-000-228.046	TRAILER COACH PARK TAX (T	STATE OF MICHIGAN	SET/MOBILE HOME TAX - 09/30/21	2720-093021	10/26/21	704.00	1190316
701-000-228.200	CONSERVATION FEES	MICHIGAN DEPARTMENT OF	4TH DISTRICT COURT SEPT 2021 TRANSM	701000228300	10/29/21	20.00	1190340
701-000-228.300	DRIVERS LIC REIN FEES-DIS	MICHIGAN DEPARTMENT OF	4TH DISTRICT COURT SEPT 2021 TRANSM	701000228300	10/29/21	807.41	1190340
701-000-228.372	CRIME VICTIMS RIGHTS FEES	MICHIGAN DEPARTMENT OF	4TH DISTRICT COURT SEPT 2021 TRANSM	701000228300	10/29/21	3,479.33	1190340
701-000-228.422	STATE COURT FUND (SCAO) (I	MICHIGAN DEPARTMENT OF	4TH DISTRICT COURT SEPT 2021 TRANSM	701000228300	10/29/21	320.00	1190340
701-000-228.564	DUE STATE-E RECORDING FIL	MICHIGAN DEPARTMENT OF	4TH DISTRICT COURT SEPT 2021 TRANSM	701000228300	10/29/21	1,240.00	1190340
701-000-228.572	CIVIL JURY DEMAND FEES (DI	MICHIGAN DEPARTMENT OF	4TH DISTRICT COURT SEPT 2021 TRANSM	701000228300	10/29/21	832.50	1190340
701-000-228.582	CIVIL FILING FEE FUND (DI	MICHIGAN DEPARTMENT OF	4TH DISTRICT COURT SEPT 2021 TRANSM	701000228300	10/29/21	4,662.00	1190340
701-000-228.592	JUSTICE SYSTEM FUND (DIST	MICHIGAN DEPARTMENT OF	4TH DISTRICT COURT SEPT 2021 TRANSM	701000228300	10/29/21	8,655.78	1190340
701-000-274.030	COMMERCIAL FOREST TAX (TRE	CALVIN TWP. TREASURER	REFUND QUALIFIED FOREST 2019/2020 P.	22-526	10/26/21	137.80	1190313
701-000-274.030	COMMERCIAL FOREST TAX (TRE	CALVIN TWP. TREASURER	REFUND QUALIFIED FOREST 2019/2020 P.	22-526	10/26/21	145.41	1190313
Total For Dept 000 TREASURER						2,950,587.30	
Total For Fund 701 TRUST & AGENCY						2,950,587.30	

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Fund 801 DRAIN FUND							
Dept 275 DRAIN COMMISSIONER							
801-275-701.800	EXPENDITURES-DRAIN/LAKE	JEFF VANBELLE	#43 LILLY LAKE DRAIN - REMBURSMENT	21-25	10/29/21	59.98	1190334
801-275-701.800	EXPENDITURES-DRAIN/LAKE	REAL PRO SOLUTIONS LLC	#28 - HAYES DRAIN - MOWING	LM8276	10/29/21	400.00	20010
Total For Dept 275 DRAIN COMMISSIONER						459.98	
Total For Fund 801 DRAIN FUND						459.98	

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Fund Totals:							
			Fund 101 TREASURER			89,407.17	
			Fund 208 PARKS SPECIAL REVENUE			11,889.83	
			Fund 216 FAMILY DRUG COURT GRANTS			7,061.19	
			Fund 233 MARCELLUS TWP POLICE CONTRAC			40.01	
			Fund 258 MIDC (MICHIGAN INDIGENT DEFE			32,372.90	
			Fund 261 CENTRAL DISPATCH FUND			165.48	
			Fund 267 SHERIFF NON-DRUG FORFEIT. FU			1,200.00	
			Fund 271 C.C. DRUG ENFORCEMENT TEAM			69,096.85	
			Fund 274 COUNCIL ON AGING MILLAGE FUN			2,147.29	
			Fund 284 COMMUNITY CORRECTIONS GRANT			2,204.25	
			Fund 292 FAMILY COURT CHILD CARE FUND			2,060.00	
			Fund 297 DHS CHILD CARE			672.00	
			Fund 510 CASS CTY LAND BANK AUTHORITY			50.00	
			Fund 595 JAIL COMMISSARY FUND			3,417.11	
			Fund 616 TAX REVOLVING CONTROL FUND			3,690.00	
			Fund 701 TRUST & AGENCY			2,950,587.30	
			Fund 801 DRAIN FUND			459.98	
Total For All Funds:						3,176,521.36	

**CASS COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING**

October 21, 2021

The Cass County Board of Commissioners met for their Regular Meeting on Thursday, October 21, 2021, in Commissioner Chambers.

Chair Dyes called the meeting to order at 6:30 p.m. Commissioner Marchetti provided the Invocation. Commissioner Jones led the Pledge of Allegiance to the Flag of the United States of America.

Clerk/Register Monica McMichael called roll:

COMMISSIONERS PRESENT: Ryan Laylin, Annie File, Skip Dyes, Roseann Marchetti, Robert Benjamin, Mike Grice and Jeremiah Jones.

COMMISSIONERS ABSENT: None.

STAFF PRESENT: County Administrator Jeff Carmen, Deputy County Administrator Matthew Newton, Finance Director Jennifer Rentfrow and Clerk/Register Monica McMichael.

PUBLIC COMMENT (Agenda Items Only)

None.

APPROVAL OF THE AGENDA

Commissioner File moved, seconded by Commissioner Marchetti, to approve the October 21, 2021 Cass County Board of Commissioner's Agenda with the addition of M-118-21, a motion to enter Closed Session; a motion regarding a FOIA appeal; and, to move Board of Commissioners Comments or Announcements to occur before the Closed Session. Motion to approve the agenda as amended carried by voice vote.

RECOGNITIONS

None.

PRESENTATIONS

Equalization Director Tami Stewart presented the 2021 Apportionment Report.

Drain Commissioner Jeff VanBelle offered the Annual Drain Report.

CONSENT AGENDA

Vice Chair Grice moved, seconded by Commissioner Marchetti, that the following items be voted on at one time by roll call vote and be considered as a consent agenda by the Board of Commissioners:

(M-181-21) A motion to approve Claims dated October 15, 2021.

(M-182-21) A motion to approve the October 7, 2021 Board of Commissioners Regular Meeting Minutes.

The Chair instructed the Clerk to call roll:

Yes (7): Commissioners Laylin, File, Dyes, Marchetti, Benjamin, Grice and Jones.

No (0): None.

The Consent Agenda carried by roll call vote.

COMMITTEE REPORTS

Commissioners File, Marchetti, Benjamin and Jones offered Committee Reports.

ADMINISTRATOR'S REPORT

Administrator Carmen presented the Administrator's Report.

FINANCE REPORT

The Finance Report was included in the board packet.

PUBLIC SAFETY UPDATE

Sheriff Behnke provided a Public Safety Update.

PARKS UPDATE

Parks Director Scott Wyman informed commissioners of the successful 2021 Harvest Fest held at Lawless Park.

HISTORICAL COMMISSION UPDATE

Ron McAdam, Historical Commission Chair, shared details of the well-attended Fall Fest held at the Newton House on Sunday, October 3, 2021. Historical Commission Board Member Amy East advised commissioners that archaeology and geophysical surveys were conducted at the Newton House. She went on to discuss the process and added that she hoped to begin an archaeology program in Cass County.

COUNTY PARTNERS

None.

ELECTED OFFICIALS UPDATE

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

R-183-21

Commissioner Grice moved, seconded by Commissioner Jones, to approve the following resolution:

CASS COUNTY BOARD OF COMMISSIONERS RESOLUTION APPROVING THE 2021 APPORTIONMENT REPORT PURSUANT TO MICHIGAN COMPILED LAW 211.37

WHEREAS, Michigan Compiled Law 211.36 requires each Township Clerk to submit to the County Clerk on, or before, September 30 each year a statement which sets forth the amount of money to be raised in the Township by taxation; and

WHEREAS, Michigan Compiled Law 211.37 requires the County Board of Commissioners to hold an apportionment session and approve an Apportionment Report in October of each year; and

WHEREAS, at the annual apportionment session, the County Board of Commissioners must examine documents and records submitted to the Board that show the amount of money to be raised by ad valorem levies in each Township for school, highway, Township, and all other purposes as authorized by law and authorize and require the correction of any defects or omissions with regard to those levies; and

WHEREAS, the action of the County Board of Commissioners concerning the spread of these levies is final, except in situations where a change is made to the equalization of the County through an equalization appeal to the Michigan Tax Tribunal; and

WHEREAS, the Apportionment Report approved by the County Board of Commissioners for 2021 will be the official authorization for its 59 taxing authorities within the County to levy property taxes in 2021; and

WHEREAS, the Cass County Equalization Department has prepared an Apportionment Report for consideration by the County Board of Commissioners; and

WHEREAS, the proposed Apportionment Report, if approved, will provide final authorization for the levy of property taxes upon which taxing authorities depend to provide educational, health, economic development, public safety, and other services which are important to the well-being of the county's economy and Cass County residents; and

NOW, THEREFORE, BE IT RESOLVED that the attached 2021 Apportionment Report showing the millage levies apportioned to various taxing authorities in Cass County for the year 2021 is hereby approved in accordance with Michigan Compiled Law 211.37; and

BE IT FURTHER RESOLVED that the Cass County Board of Commissioners, under the authority of Michigan Compiled Law 211.37, directs that the millage rates specified in the attached 2021 Apportionment Report for Township, school, highway, and all other purposes as authorized by law shall be spread against the taxable value of properties on the proper assessment rolls of the Townships, Wards, and Cities in the County.

The Chair instructed the Clerk to call roll:

Yes (7): Commissioners File, Dyes, Marchetti, Benjamin, Grice, Jones and Laylin.

No (0): None.

Resolution R-183-21 carried by roll call vote.

M-184-21

Commissioner Benjamin requested Motion M-184-21 be delayed until the second meeting in November.

M-185-21

Commissioner Marchetti moved, seconded by Commissioner Laylin, to approve Special Assessment rolls. Motion carried by voice vote.

M-186-21

Commissioner Jones moved, seconded by Commissioner Laylin, to approve quarterly budget adjustments. Motion carried by voice vote.

R-187-21

Commissioner File moved, seconded by Commissioner Benjamin, to approve the following resolution:

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CASS COUNTY CENTRAL DISPATCH DEPARTMENT AND THE ST. JOSEPH CENTRAL DISPATCH DEPARTMENT AND A MEMORANDUM OF UNDERSTANDING BETWEEN THE CASS COUNTY CENTRAL DISPATCH DEPARTMENT AND SUMMIT LIFE, INC.

WHEREAS, the Cass County Central Dispatch Department plans to build an Astro Site Repeater in collaboration with Motorola; and

WHEREAS, the ASR will provide an adaptable and affordable platform for mission critical communication in both Cass County and St. Joseph County; and

WHEREAS, an Interlocal Agreement has been proposed between the Cass County Central Dispatch Department and the St. Joseph County Central Dispatch Department to facilitate a 50% cost sharing of the construction of the proposed ASR over a 5-year period and 50% of the yearly costs of any maintenance, repairs, and utilities; and

WHEREAS, the ASR will be located on the east side of Baldwin Prairie Road in Union, MI (just north of the Porter Township Administration Building) on property owned by Summit Life, Inc.; and

WHEREAS, a Memorandum of Understanding has been proposed between Summit Life, Inc. and the Cass County Central Dispatch Department to provide for the site development for the ASR on said property; and

WHEREAS, both the Interlocal Agreement and Memorandum of Understanding have been reviewed and approved by the Cass County Central Dispatch Department, Cass County Civil Council, and Cass County Sheriff.

NOW, THEREFORE, BE IT RESOLVED by the Cass County Board of Commissioners to authorize the Chair of the Cass County Board of Commissioners to execute the Interlocal Agreement between the Cass County Central Dispatch Department and the St. Joseph County Central Dispatch Department and to approve the Memorandum of Understanding between the Cass County Central Dispatch Department and Summit Life Inc. contingent upon the satisfaction of all terms specified in both agreements.

The Chair instructed the Clerk to call roll:

Yes (7): Commissioners Dyes, Marchetti, Benjamin, Grice, Jones, Laylin and File.

No (0): None.

Resolution R-187-21 carried by roll call vote.

PUBLIC COMMENT

City of Dowagiac resident Mary Parmley announced a clothing giveaway to take place Saturday, October 23, 2021, from 9:00 a.m. until noon at the Holy Maternity of Mary Catholic Church in Dowagiac.

CCIEA Union President Fern Smith stated that the meeting with MERS that occurred earlier in the day was extremely helpful. She also clarified that, instead of paying nothing, the County had always paid the minimum amount due to MERS. She went on to state that, instead of a Corrective Active Plan, the County had an 18-year payment schedule to remedy the unfunded liability.

Cass County Sheriff's Office (CCSO) Tim Gondeck reported that he would face a reduction of \$600 per month if the retirement plan moved from a defined benefit to a defined contribution. He went on to ask commissioners to continue with the current retirement program. It would honor the promise made and would retain employees.

Animal Control Director Ron Butts thanked the Parks Department for a successful Trunk or Treat event that gathered donations for Animal Control.

Cass County Sheriff's Office Sergeant Jason Pompey informed commissioners that the FOP union that represented the CCSO Sergeants no longer represented the group after a betrayal of trust and a vote of the union members.

County resident Beth Pompey discussed the definition of and issues with bullying. She went on to state that employees felt bullied regarding the threat to employee retirement benefits.

Cass County Sheriff's Office Deputy Zachary Nixon stated that he looked forward to watching the recording of the MERS meeting before negotiations began with his union.

Melissa Brawley, Sheriff's Office Deputy, stated that the department was already understaffed. She was scared and concerned for staffing levels if the retirement plan changed.

Dave Nevins, a deputy of 17 years with CCSO, informed board members that he moved his family to Cass County for employment with a defined benefit retirement program. He went on to state that a law enforcement career killed you from the inside out. That is why the department offered a 25 years of service and out retirement benefit. He also asked the County to provide more options than the current defined contribution plan.

County employee and resident Cheryl Hess commented on cell phone usage during commissioner meetings. She also asked the county not to eliminate the defined benefit retirement plan as it was a key factor to employee longevity.

CCSO Deputy Ryan Shields explained that employees would have trouble making up the difference of switching retirement plans in the midst of their career. He thanked the County for their generosity but asked that current employees be allowed to maintain a defined benefit retirement program.

County employee and resident Ashley Pompey informed commissioners she came to the County as an employee for the great benefits. She stated that if the County treated employees well, employees would be good to them.

County resident Lynn Schantz commented on the MERS employee retirement issue and wanted to be sure the county would not defund the local police. She went on to ask commissioners if, after the public comments at the Road Commission Special Meeting, they considered resolutions against masks, vaccine mandates, etc. She also suggested they make Cass a Constitutional County. Finally, she posed a question to Sheriff Behnke regarding vaccinating students in local schools.

Parks Director Scott Wyman thanked Parks Department employees Jay Wade, Patty Dohm and Jodi Pletcher.

BOARD MEMBER COMMENTS OR ANNOUNCEMENTS

Commissioner File reiterated earlier comments by Commissioner Benjamin that the board directed Administrator Carmen and Finance Director Moore to remedy the unfunded liability issue with MERS.

CLOSED SESSION

M-188-21

Commissioner Benjamin moved, seconded by Commissioner Jones, to enter a closed session to discuss a confidential written legal opinion that is subject to attorney-client privilege and to discuss collective bargaining to provide an update the Board on union negotiations. Closed session to include Administrator Carmen, Deputy Administrator Newton, and Sheriff Behnke.

The Chair instructed the Clerk to call roll:

Yes (7): Commissioners Marchetti, Benjamin, Grice, Jones, Laylin, File and Dyes.

No (0): None.

Motion M-188-21 carried by roll call vote. The meeting moved to closed session at 8:07 p.m.

The meeting returned to open session at 8:28 p.m.

MOTION

Commissioner Benjamin moved, seconded by Commissioner Laylin, to deny Mr. Pompey's Appeal received on October 7, 2021, for the reasons stated in the letter considered by the County at its October 21, 2021 Board meeting. Discussion followed. Motion carried by voice vote.

ADJOURNMENT

Commissioner Laylin moved, seconded by Commissioner Jones, to adjourn. Motion carried by voice vote.

The meeting adjourned at 8:31 p.m.

Approved: _____
Date

Dwight Dyes, Chair

Monica McMichael, Clerk/Register



CASS COUNTY COUNTY ADMINISTRATOR'S OFFICE

ADMINISTRATOR'S REPORT – OCTOBER 29TH, 2021, CARMEN AND NEWTON

Individual Meetings, In-Person & Virtual

Vacancy Committee

Salary Committee

Policy Committee

Huntington Bank – Community Outreach Program

Commissioner Dyes

Commissioner Grice

Commissioner Marchetti

Parks – Chairmain Kucklick and Director Wyman

Cass County Leaders

Commissioner Jones

Negotiations

Regional ARPA Meeting

MCF Meeting

EDC Meeting

Elected Officials

CCMCF Development

CCMCF Solar Project

Personnel

ARPA Committee

Personnel

Historical Commission

Facilities Director

DOC Move

Jail Window

Jail Bathroom

County-Wide Facilities Evaluation

CASS COUNTY BOARD OF COMMISSIONERS

R-191-21

A RESOLUTION TO APPROVE FOIA PROCEDURES AND GUIDELINES, A WRITTEN PUBLIC SUMMARY, AND DETAILED ITEMIZATION FOR CASS COUNTY

WHEREAS, this resolution and associated FOIA policy documents were drafted by legal counsel and recommended to be placed on the Agenda by the Cass County Policy Committee; and

WHEREAS, the County is a public body as defined by the Michigan Freedom of Information Act, 1976 PA 442, as amended (“FOIA”); and

WHEREAS, in the performance of its function as trustees for the County, it is necessary and appropriate for the County Board to establish and adopt policies for the operation of the County; and

WHEREAS, pursuant to Section 4(4) of the FOIA, the County shall establish procedures and guidelines to implement the FOIA and shall create a written public summary regarding how to submit written requests to the County and explaining how to understand the County’s written responses, deposit requirements, fee calculations, and avenues for challenge and appeal; and

WHEREAS, the County adopted Procedures and Guidelines, a Written Public Summary, and a detailed itemization; and

WHEREAS, pursuant to 2018 PA 523 (“Act 523”), the Legislature amended the FOIA to require certain contact information from the requester and to clarify when a FOIA is considered abandoned if a requester has not paid a deposit; and

WHEREAS, since Act 523 changes the requirement for submitting written requests and the deposit notice and payment requirements, the County will be required to amend its Procedures and Guidelines and Written Public Summary; and

WHEREAS, in the interests of the health, safety and welfare of the County, the County Board desires to repeal and replace the Procedures and Guidelines, Written Public Summary and Detailed Itemization so that it is in compliance with the FOIA and may charge the fees permitted under the FOIA.

NOW, THEREFORE, BE IT RESOLVED by the Cass County Board of Commissioners as follows:

- 1.** The County hereby adopts and approves the County Procedures and Guidelines (attached as Exhibit A to this Resolution) in compliance with the FOIA. The Procedures and Guidelines attached as Exhibit A shall repeal and replace any previous version of the Procedures and Guidelines that have been approved by the County.
- 2.** The County also adopts and approves the amended Written Public Summary (attached as Exhibit B to this Resolution). The Written Public Summary attached as Exhibit B shall repeal and replace any previous version of the Written Public Summary that has been approved by the County.
- 3.** The County also adopts and approves the amended Detailed Itemization Sheet (attached as Exhibit C to this Resolution). The Detailed Itemization Sheet attached as Exhibit C shall repeal and replace any previous version of the Detailed Itemization Sheet that has been approved by the County. The County also authorizes the FOIA Coordinator to modify the Detailed Itemization if such modifications are in the best interest of the County and do not conflict with the FOIA.

4. The County shall make the Procedures and Guidelines publicly available by providing free copies of the Procedures and Guidelines and its Written Public Summary both in the County's response to a written request (or may include the website link to the documents in lieu of providing paper copies in its response to a written request) and upon request by visitors at the County.
5. The County shall post and maintain the Procedures and Guidelines and Written Public Summary on its website.
6. All resolutions, motions, policies, including any Freedom of Information Act policies, or any parts thereof that are in conflict with this Resolution are hereby repealed to the extent of such conflict.

ADOPTED THIS 4th DAY OF NOVEMBER 2021

ATTEST:

Monica McMichael, Clerk/Register
COUNTY OF CASS

Dwight Dyes, Chair
CASS COUNTY BOARD OF COMMISSIONERS

CASS COUNTY
FREEDOM OF INFORMATION ACT PROCEDURES AND GUIDELINES

I. PURPOSE.

Cass County (the “County”) adopts the public policy set forth in the Michigan Freedom of Information Act, 1976 PA 442 (“FOIA”), that all persons, except those persons incarcerated in state, county or federal correctional facilities, 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 public employees, consistent with the FOIA. Access to information is important so that people may fully participate in the democratic process. These Procedures and Guidelines are enacted in compliance with the requirements set forth in Section 4(4) of the FOIA.

II. FOIA COORDINATOR.

The County appoints the County Administrator as FOIA Coordinator. The FOIA Coordinator will respond to requests in accordance with the FOIA. An employee of the County who receives a request for a public record must promptly forward that request to the FOIA Coordinator. The FOIA Coordinator is responsible for accepting, processing and approving a denial of a request and signing the written notice of denial. The FOIA Coordinator may designate another individual to act on his or her behalf in accepting and processing requests for the County’s public records, and in approving a denial.

III. REQUEST REQUIRED.

A. *Requestor; Public Record.* An individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity, except those persons incarcerated in state, county or federal correctional facilities, may request public records from the County. “Public Record” has the meaning as defined in Section 2(e) of the FOIA.

B. *Verbal Requests.* The County may, but is not required to, provide public records in response to a verbal request, unless such verbal request is for information that the County believes is available on its website. In such case, an employee, where practicable and to the best of his or her knowledge, shall inform the requestor about the pertinent website where the information is available.

C. *Written Requests.* Except as provided in Section III.B above, a person desiring to inspect, copy or receive a copy of a public record shall make a written request for the public record to the County. A request can be made through a letter, in person, or sent by electronic transmission.

1. Where to Send the Request. Whenever possible, requests for public records should be directed to the following recipients so that the information can reach the FOIA Coordinator:

- a. By mail or in person:

Cass County
Attn: FOIA Coordinator
120 N. Broadway
Cassopolis, MI 49031

- b. By e-mail: CountyFOIA@cassco.org

- c. By fax: (269) 445-8978

2. Sufficient Description. Requests in writing must identify the public record sufficiently to allow the County to find the requested record. If not, the request may be denied on that basis.

3. Requester Contact Information Required. A request from a person must include the following (unless the request is from an individual who qualifies as indigent under Section 4(2)(a) of the FOIA):

- a. the requesting person's complete name, address, and contact information, and
- b. if the request is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual.

An address must be written in compliance with United States Postal Service addressing standards. Contact information must include a valid telephone number or electronic mail address.

4. Electronic Transmissions. For requests sent by electronic transmission, the following shall apply:

a. Electronic Transmissions. A written request made by facsimile, electronic mail, or other electronic transmission is not received by the County's FOIA coordinator until 1 business day after the electronic transmission is made.

b. Spam or Junk Mail Folder. If a written request is sent by electronic mail and delivered to the County's spam or junk mail folder, the request is not received until 1 day after the County first becomes aware of the written request. The County shall note in its records both the time a written request is delivered to its spam or junk mail folder and the time the County first becomes aware of that request. The FOIA Coordinator shall be responsible for routinely monitoring the spam and junk mail folders in order to determine whether they contain any FOIA requests.

5. Specify Format. The requestor may specify whether he or she would like to inspect, receive paper copies, or receive the public records on nonpaper physical media. The County is only required to comply with the request for specified nonpaper physical media if it has the technological capability necessary to provide the public records on the requested nonpaper physical media in the particular instance.

6. Subscription. A person has a right to subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis. A subscription shall be valid for up to 6 months, at the request of the subscriber, and shall be renewable.

IV. PROCEDURES FOR RESPONDING TO WRITTEN FOIA REQUESTS.

A. *Response.* Unless otherwise agreed to in writing by the person making the request, the County shall respond to a request within 5 business days after it receives the request by:

1. Granting the request (which would include notifying the requestor that all or a portion of the public records requested are available on the website, if applicable);
2. Issuing a written notice to the requesting person denying the request;
3. Granting the request in part and issuing a written notice to the requesting person denying the request in part (which would include notifying the requestor that all or a portion of the public records requested are available on the website if applicable); or
4. Issuing a notice extending for not more than 10 business days the period during which the County shall respond to the request.

The County's written response shall be considered the final determination regarding the FOIA request.

B. *Understanding the County's Response.* The County has an obligation to respond as required under the FOIA. If the County grants a written request in full, the requestor will receive a notice indicating that it has been granted. However, if the request is denied or denied in part, the County shall provide the following information:

- 1 Pursuant to Section 13 of the FOIA, the County may exempt certain documents from disclosure. The FOIA Coordinator will review the request to determine if any exemptions apply. The FOIA Coordinator may request assistance from the County's Attorney regarding the application of exemptions. If exempt, the County shall provide an explanation of the basis under this act or

other statute for the determination that the public record, or portion of that public record, is exempt from disclosure, if that is the reason for denying all or a portion of the request.

2. A certificate that the public record does not exist under the name given by the requestor or by another name reasonably known to the County, if that is the reason for denying the request or a portion of the request. The denial letter may indicate that the letter serves as the certificate as required by the FOIA.

3. A description of a public record or information on a public record that is separated or deleted pursuant to Section 14 of the FOIA, if a separation or deletion is made.

4. A full explanation of the requesting person's right to do either of the following:

a. Submit to the Cass County Board of Commissioners a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the disclosure denial; or

b. Seek judicial review of the denial under Section 10 of the FOIA.

5. Notice of the right to receive attorneys' fees and damages as provided in Section 10 of the FOIA, MCL 15.240, if, after judicial review, the court determines that the County has not complied and orders disclosure of all or a portion of a public record.

C. *No Obligation to Create Records.* The FOIA does not require the County to make a compilation, summary, or report of information. Further, the County is not required to create a new public record in order to respond to a request.

D. *Documents Available on Website.* If the FOIA Coordinator knows or has reason to know that all or a portion of the requested information is available on its website, the County shall notify the requestor in its written response. The written response, to the degree practicable in the specific instance, shall include a specific webpage address where the requested information is available.

If all or a portion of the requested records are available on the website and the County has included the website address in its written response but the requestor wants the public records in a paper format or other nonpaper physical media, the County shall provide the public records in the specified format. On the detailed itemization, the County shall separate the requested public records that are available on its website from those that are not available on the website and shall inform the requestor of the additional charge to receive copies of the public records that are available on its website.

V. FEES.

The County may charge a fee for a public record search, for the necessary copying of a public record for inspection, or for providing a copy of a public record because it has established, made publicly available, and follows these Procedures and Guidelines and the FOIA. The fee shall be limited to actual mailing costs and to the actual incremental cost of duplication or publication including labor; the cost of search, examination and review; and the deletion and separation of exempt information from non-exempt information as set forth more fully in these Procedures and Guidelines. The FOIA Coordinator shall provide a detailed itemization of costs on a standard form, as required under Section 4(4) of the FOIA (“Detailed Itemization”). The total fee shall not exceed the sum of the following components:

A. *Labor Costs:*

1. Searching for, Locating and Examining.

a. The County may charge for searching for, locating and examining public records in conjunction with receiving and fulfilling a granted written request.

b. The County shall not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in the particular instance regardless of whether that person is available or who actually performs the labor.

c. These labor costs shall be estimated and charged in increments of 15 minutes, with all partial time increments rounded down.

2. Separating and Deleting Exempt from Non-Exempt:

a. For services performed by an employee of the County, the County shall not charge more than the hourly wage of its lowest-paid employee capable of separating and deleting exempt information from non-exempt information in the particular instance, regardless of whether that person is available or who actually performs the labor. All references in these Procedures and Guidelines to separating and deleting exempt information from non-exempt information shall refer to the separation and deletion requirements set forth in Section 14 of the FOIA, MCL 15.244.

b. If the County does not employ a person capable of separating and deleting exempt information from non-exempt information in the particular instance, it may treat necessary contracted labor costs used for the separating and deleting of exempt information from non-exempt information in the same manner as employee labor costs when calculating charges under this subdivision if all of the following occur:

1) The County's FOIA Coordinator determines on a case-by-case basis that the County does not employ a person capable of separating and deleting exempt information from non-exempt information.

2) The County clearly notes the name of the contracted person or firm on the Detailed Itemization.

3) Total labor costs calculated for contracted labor costs shall not exceed an amount equal to 6 times the state minimum hourly wage rate.

c. These labor costs shall be estimated and charged in increments of 15 minutes, with all partial time increments rounded down.

d. The County shall not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the public record in question and the redacted version is still in the County's possession.

e. If the County directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from this labor charge.

3. Duplication or Publication Labor Charges.

a. The County may charge labor costs for duplication and publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on nonpaper physical media or through the internet or other electronic means as stipulated by the requestor.

b. The County shall not charge more than the hourly wage of its lowest-paid employee capable of necessary duplication or publication in the particular instance, regardless of whether that person is available or who actually performs the labor.

c. Labor costs shall be estimated and charged in increments of one (1) minute or more, with all partial time increments rounded down.

4. Fringe Benefit Costs. The County may also add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits if it clearly notes the percentage multiplier used to account for benefits in the Detailed Itemization. Subject to the 50% limitation, the County shall not

charge more than the actual cost of fringe benefits, and overtime wages shall not be used in calculating the cost of fringe benefits.

If all or a portion of the requested records are available on the website and the County has included the website address in its written response but the requestor wants the public records in a paper format or other nonpaper physical media, the County shall provide the public records in the specified format but may use a fringe benefit multiplier greater than the 50% limitation, not to exceed the actual costs of providing the information in the specified format.

5. Overtime Wages. Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the Detailed Itemization.

6. Itemization. All labor fee components shall be itemized using both the hourly wage and the number of hours charged on the Detailed Itemization.

7. Unreasonably High Costs. The labor fee shall not be charged for (1) searching for, locating and examining of public records, or (2) the cost of the deletion and separation of exempt information from non-exempt 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 these unreasonably high costs. The FOIA Coordinator has authority to determine when the costs are unreasonably high in a particular instance, including, but not limited to, instances when the costs would be excessive and beyond the normal or usual amounts for responding to a request. In doing so, the FOIA Coordinator may take into account considerations such as the volume and complexity of the FOIA request as well as the County's particular fiscal condition at the time of the request or any other conditions authorized by law.

B. *Other Costs.*

1. Nonpaper Physical Media. Costs for providing records on nonpaper physical media.

a. The requestor may stipulate that the public records be provided on nonpaper physical media, electronically mailed, or otherwise electronically provided to him or her in lieu of paper copies. The County is not required to provide the documents on nonpaper physical media if it lacks the technological capability necessary to provide records on the requested particular nonpaper physical media.

b. For public records provided to the requestor on nonpaper physical media, the County may charge the actual and most reasonably economical cost of the computer discs, computer tapes, or other digital or similar

media. The County may use (but is not required to) a computer disc, thumb drive or other nonphysical media provided by the requestor but only if it is provided in its original packaging. Because the safety and security of the County's computers and network is of important public interest, the County may take that security interest into account when determining the means of providing the documents on nonpaper physical media.

2. Costs for Providing Paper Copies.

a. For paper copies of public records provided to the requestor, the County may charge the actual total incremental cost of necessary duplication or publication, not including labor.

b. The cost of paper copies shall be calculated as a total cost per sheet of paper and shall be itemized and noted in a manner that expresses both the cost per sheet and the number of sheets provided.

c. The fee shall not exceed 10 cents per sheet of paper for copies of public records made on 8½ by 11-inch paper or 8½ by 14-inch paper. For all other paper sizes, the County may charge the actual total incremental cost of duplication or publication, not including labor.

d. The County shall utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

3. Mailing Costs.

a. The County shall charge the actual cost of mailing, if any, for sending the public records in a reasonably economical and justifiable manner.

b. The County shall not charge more for expedited shipping or insurance unless specifically stipulated by the requestor, but may otherwise charge for the least expensive form of postal delivery confirmation when mailing public records.

C. *Statutory Fees.* The fees set forth in this Section V do not apply to public records prepared under an act or statute specifically authorizing the sale of those public records to the public, or if the amount of the fee for providing a copy of the public record is otherwise specifically provided by an act or statute.

- D. *Fees Paid Before Providing Documents.* The County shall require that all fees be paid in full before providing records in response to granted or granted in part written requests.

VI. DEPOSIT.

A. *Deposit.* In either the County's initial response or subsequent response as described under Section 5(2)(d), the County may require a good-faith deposit before providing the public records to the requestor if the entire fee estimate or charge authorized the FOIA exceeds \$50.00, based on a good-faith calculation of the total. The deposit shall not exceed $\frac{1}{2}$ of the total estimated fee, and the County's request for a deposit shall be included in the Detailed Itemization. The response shall also contain a best efforts estimate by the County regarding the time frame it will take the County to comply with the law in providing the public records to the requestor. The time frame estimate is nonbinding upon the County, but the County shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this state's public policy and the nature of the request in the particular instance. If the County does not respond in a timely manner as required by the FOIA, it is not relieved from its requirements to provide proper fee calculations and time frame estimates in any tardy responses. Providing an estimated time frame does not relieve the County from any of the other requirements of this act.

B. *Increased Deposit For Prior Unpaid Requests.* After the County has granted and fulfilled a written request from an individual under this act, if the County has not been paid in full the total amount for the copies of public records that the County made available to the individual as a result of that written request, the County may require a deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual if all of the following apply:

1. The final fee for the prior written request was not more than 105% of the estimated fee.
2. The public records made available contained the information being sought in the prior written request and are still in the County's possession.
3. The public records were made available to the individual, subject to payment, within the time frame estimate described Section 4(7) of the FOIA.
4. Ninety days have passed since the County notified the individual in writing that the public records were available for pick up or mailing.
5. The individual is unable to show proof of prior payment to the County.
6. The County calculates a Detailed Itemization that is the basis for the current written request's increased estimated fee deposit.

The County shall no longer require an increased estimated fee deposit from an individual described above if any of the following apply:

1. The individual is able to show proof of prior payment in full to the County;
2. The County is subsequently paid in full for the applicable prior written request; or
3. Three hundred sixty-five days have passed since the individual made the written request for which full payment was not remitted to the County.

C. *Payment of Deposit; Abandonment of Request.* If a deposit that is required under Subsection 4(8) or 4(11) of the FOIA (as described in Subsections VI.A and B above) is not received by the County within 45 days from receipt by the requesting person of the notice that a deposit is required, and if the requesting person has not filed an appeal of the deposit amount, the request shall be considered abandoned by the requesting person and the public body is no longer required to fulfill the request. This notice of a deposit requirement is considered received 3 days after it is sent, regardless of the means of transmission. Notice of a deposit requirement will include notice of the date by which the deposit must be received, which date is 48 days after the date the notice is sent.

VII. WAIVER OR REDUCTION OF FEES.

A. *Waiver of Fees of First \$20.00.* A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request by either of the following:

1. Indigency. An individual who is entitled to information under this act and who submits an affidavit stating that the individual is indigent and receiving specific public assistance or, if not receiving public assistance, stating facts showing inability to pay the cost because of indigency.

- a. If the requestor is eligible for a requested discount, the County shall fully note the discount on the Detailed Itemization.

- b. If a requestor is ineligible for the discount, the County shall inform the requestor specifically of the reason for ineligibility in the County's written response. An individual is ineligible for this fee reduction if any of the following apply:

- 1) The individual has previously received discounted copies of public records from the same County twice during that calendar year.

2) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request, as verified by an affidavit executed by the requestor.

2. Certain Non-Profit Organizations. A non-profit organization formally designated by the state to carry out activities under subtitle C of the 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:

- a. Is made directly on behalf of the organization or its clients.
- b. 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.
- c. Is accompanied by documentation of its designation by the state, if requested by the County.

B. *Public Interest Reduction or Waiver.* The FOIA Coordinator may reduce or waive the imposition of fees if the FOIA Coordinator determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.

C. *Reduction for Late Responses.* If the County does not respond to a written request in a timely manner as required by the FOIA, the County shall do the following:

1. Reduce the charges for labor costs by 5% for each day the County exceeds the time permitted, with a maximum 50% reduction, if either of the following applies:

- a. The late response was willful and intentional.
- b. The written request:
 - (i) included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or
 - (ii) specifically included the words, characters, or abbreviations for “freedom of information”, “information”, “FOIA”, “copy”, or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.

2. If a charge reduction is required, the County shall fully note the charge reduction on the Detailed Itemization.

VIII. INSPECTION.

Upon request, the County must furnish a requesting person a reasonable opportunity for inspection and examination of its public records, and must furnish reasonable facilities for making memoranda or abstracts from its public records during the usual business hours. Pursuant to Section 4(1) of the FOIA, the County may charge a fee for the public record search, for the necessary copying of a public record for inspection or for providing a copy of the public record after inspection.

The FOIA permits the County to make reasonable rules necessary to protect its public records and to prevent excessive and unreasonable interference with the discharge of its functions. The County must protect public records from loss, unauthorized alteration, mutilation, or destruction. As such, the County authorizes the FOIA Coordinator to determine whether in a particular circumstance an employee or agent of the County must be present at any inspection of documents to protect the public records, and in such cases may assess charges as appropriate under law.

IX. CERTIFIED COPIES.

The County must, upon written request, furnish a requesting person a certified copy of the public record disclosed in whole or in part by the County.

X. APPEALS.

A. Appeal of a Final Determination to Deny All or a Portion of the Request.

1. Submit an Appeal. If a requestor desires to appeal all or part of a final determination to deny a request, the requestor must submit to the Cass County Board of Commissioners ("County Board") a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.
2. Receipt of Appeal. The County Board is not considered to have received a written appeal until the first regularly scheduled meeting of the County Board following submission of the written appeal.
3. Response to Appeal. Within 10 business days after receiving a written appeal, the County Board shall do 1 of the following:
 - a. Reverse the disclosure denial.

- b. Issue a written notice to the requesting person upholding the disclosure denial.
- c. Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.
- d. Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the County Board shall respond to the written appeal. The County Board shall not issue more than 1 notice of extension for a particular written appeal.

B. *Appeals of Fees (Including Deposits).*

1. Submit an Appeal. If the County requires a fee that exceeds the amount permitted under these Procedures and Guidelines or Section 4 of the FOIA, the requesting person may submit to the County Board a written appeal for a fee reduction that specifically states the word “appeal” and identifies how the required fee exceeds the amount permitted under these Procedures and Guidelines or Section 4 of the FOIA.
2. Receipt of Appeal. The County Board is not considered to have received a written appeal until the first regularly scheduled meeting of the County Board following submission of the written appeal.
3. Response of Appeal. Within 10 business days after receiving a written appeal, the County Board shall do 1 of the following:
 - a. Waive the fee.
 - b. Reduce the fee and issue a written determination to the requesting person indicating the specific basis under Section 4 of the FOIA that supports the remaining fee. The determination shall include a certification from the County Board 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.
 - c. Uphold the fee and issue a written determination indicating the specific basis under Section 4 of the FOIA that supports the required fee. The determination shall include a certification from the County Board that the statements in the determination are accurate and that the fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA.
 - d. Issue a notice extending for not more than 10 business days the period during which the County Board must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the

extension is necessary. The County Board shall not issue more than 1 notice of extension for a particular written appeal.

XI. CIVIL ACTION.

A. *Civil Action for Non-Disclosure or Denial of Public Records.*

1. Civil Action After Appeal: If the County Board fails to respond to a written appeal or if the County Board 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 within 180 days after the County's final determination to deny a request.
2. Civil Action Directly After Denial. A requestor may also commence a civil action in the circuit court to compel the County's disclosure of the public records within 180 days after the County's final determination to deny a request. The requestor is not required to appeal the denial to the County Board before commencing the civil action.
3. Remedies; Fines. If the 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. If the person prevails, 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 and shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00.

B. *Civil Action Regarding Fees.*

1. Civil Action After Appeal. A requestor may commence a civil action in the circuit court for a fee reduction if the County (1) failed to respond to a written appeal or (2) made a determination on a written appeal. A requester must submit an appeal to the County Board for a fee reduction before commencing a civil action. If a civil action is commenced against the County, 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. This action must be filed within 45 days after receiving notice of the determination of an appeal to the County Board.
2. Remedies; Fines. If the requesting person prevails 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. If the court determines the County has arbitrarily and capriciously

violated this act 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.

XII. FOIA RECORD RETENTION.

The FOIA Coordinator must keep a copy of all written requests and documents sent in response to the request for public records on file for no less than 1 year, unless a longer retention time has been specified in a record retention policy applicable to the County.

XIII. PUBLICATION AND NOTIFICATION OF PROCEDURE AND GUIDELINES.

Because the County maintains a website, these Procedures and Guidelines and the summary shall be posted and maintained on the website. The County shall make these Procedures and Guidelines and summary publicly available by providing free copies both in the response to a written request and upon request by visitors at the County's office. However, the County may include the website link instead of providing paper copies in its response to a written request.

XIV. SEVERABILITY; ENFORCEABILITY.

If any clause, provision or section of these Procedures and Guidelines shall be ruled invalid or unenforceable by any court of competent jurisdiction, the invalidity or unenforceability of such clause, provision or section shall not affect any of the remaining clauses, provisions or sections. If any of the Procedures and Guidelines is determined by the FOIA Coordinator to be in conflict with the FOIA or other law after adoption, the FOIA Coordinator has the authority to process FOIA requests in conformance with the FOIA and shall seek to amend these Procedures and Guidelines as soon as possible.

XV. EFFECTIVE DATE.

These Procedures and Guidelines shall become effective upon approval.

CASS COUNTY

WRITTEN PUBLIC SUMMARY OF THE FREEDOM OF INFORMATION ACT PROCEDURES AND GUIDELINES

Cass County (the “County”) adopts this written public summary pursuant to the requirements of Section 4(4) of the Michigan Freedom of Information Act, 1976 PA 442 (“FOIA”) so that the public will understand the County’s Procedures and Guidelines for processing FOIA requests. This is a summary of the Procedures and Guidelines. A complete copy of the Procedures and Guidelines is available at the County Building located at 120 N. Broadway, Cassopolis, Michigan 49031 or on the website at www.casscountymi.org.

A. How Can I Request a Public Record?

- A person (except those persons incarcerated in state, county or federal correctional facilities), may request public records.
- The requestor must send a written request for the public record to the County. A request can be made through a letter, in person, or sent by electronic transmission. The requests should be directed to the FOIA Coordinator. The contact information is as follows:

Cass County
Attn: FOIA Coordinator
120 N. Broadway
Cassopolis, MI 49031

Telephone: (269) 445-4420

By e-mail: CountyFOIA@cassco.org

By fax: (269) 445-8978 – Attn: FOIA Coordinator

- A request from a person must include (unless the request is from an individual who qualifies as indigent) the person’s complete name, address (in compliance with United State Postal Service standards), and contact information, and if made by a person other than an individual, the complete name, address, and contact information of the person’s agent who is an individual. Contact information must include a valid telephone number or electronic mail address.
- The requestor will not be required to use a specific form or format, but requests must identify the public record sufficiently to allow the County to find the requested record.
- The County may, but is not required to, respond to a verbal request. However, if the County believes the information is available on its website, the County will inform the requestor of the website location where practicable and to the best of his or her knowledge.

B. When Can I Expect a Response?

- Unless otherwise agreed to in writing, the County will respond or seek a deposit within 5 business days after it receives the request. However, the County may extend that time period by 10 business days.
- Please keep in mind that a request sent by e-mail or other electronic means is not considered received until 1 business day after it is transmitted. If the request is sent to a spam or junk mail folder, it is not considered received until 1 day after it is discovered.

C. How Can I Understand the Response?

- If the County grants a written request in full, the requestor will receive a notice indicating that it has been granted.
- However, if the request is denied or denied in part, the County shall provide any or all of the following information, depending upon the reason for the denial:
 - An explanation of the basis that the public record, or portion of that public record, is exempt from disclosure, including a description of the information that is separated or deleted.
 - A certificate that the public record does not exist under the name given by the requestor or by another name reasonably known to the County.
 - A full explanation of the requesting person's right to (1) submit to the County Board a written appeal; or (2) seek judicial review of the denial under Section 10 of the FOIA. (See below for more details).
 - Notice of the right to receive attorneys' fees and damages if a court determines that the County has not complied and orders disclosure of all or a portion of a public record.
- If a request is granted in part or granted in full, the County will require payment before providing documents.

D. What if I Request Documents Available on the Website?

- If documents are available on the website, to the degree practicable, the response will include a specific webpage address where the requested information is available.
- The County will inform the requestor of the additional charge to receive copies of the public records that are available on its website.

E. What Fees Will the County Charge?

- The FOIA Coordinator will provide a detailed itemization of costs.
- For labor costs, the fee shall not exceed the sum of the following components:
 - Hourly Wage. The County will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records; separating and deleting exempt information from non-exempt

information; and for duplication and publication regardless of whether that person is available or who actually performs the labor, except if the County does not employ a person capable of separating and deleting exempt information from non-exempt information, it may treat necessary contracted labor costs for that purpose in the same manner as employee labor costs but may not exceed 6 times the State minimum hourly wage.

- Time Increments: The fee will be charged in 15 minute increments, with all partial time rounded down, except the labor fee for duplication and publication, which shall be charged in one (1) minute increments.
 - Determination of Unreasonably High Labor Costs. The fee for searching for, locating and examining public records and separating exempt information from non-exempt information (including redacting) will not be charged, 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 these unreasonably high costs.
 - Overtime. Overtime wages shall not be included unless agreed to by the requestor.
 - Description of Charge. The detailed itemization will include both the hourly wage and the number of hours charged.
 - Fringe Benefit Costs. The County may also add up to 50% to the applicable labor charge amount (but may not exceed actual costs) to cover or partially cover the cost of fringe benefits if it clearly notes the percentage multiplier used to account for benefits, unless a requestor wants records that are available on the website. In which case, the fringe benefit multiplier can be greater than the 50% limitation.
- For public records provided to the requestor on nonpaper physical media (discs, flash drives, e-mails), the County may charge the actual and most reasonably economical cost of the media.
 - For paper copies, the County may charge the actual total incremental cost of necessary duplication or publication not to exceed \$.10 per page (single or double sided) for 8½ by 11 inch paper or 8½ by 14 inch paper. The County will charge the actual cost of copies made on paper of a different size. The County will use double-sided printing, if cost saving and available.
 - The County may charge the actual cost of mailing and the least expensive form of postal delivery confirmation.

F. Will a Deposit be Required? When do I have to Pay the Deposit?

- The County may require a good-faith deposit of ½ of the estimated fee if the entire fee estimate or charge authorized under the FOIA exceeds \$50.00, based on a good-faith calculation of the total estimated fee.
- The County will also provide a best efforts, nonbinding estimate of the time frame it will take the County to provide the public records to the requestor.
- If the County has granted a prior request but has not been paid in full, the County may require a deposit of up to 100% of the estimated fee if all of the following apply:

- The final fee for the prior written request was not more than 105% of the estimated fee.
- The public records made available contained the information being sought in the prior written request and are still in the County's possession.
- The public records were made available to the individual, subject to payment, within the time frame estimate described Section 4(7) of the FOIA.
- Ninety days have passed since the County notified the individual in writing that the public records were available for pick up or mailing.
- The individual is unable to show proof of prior payment to the County.
- The County calculates a Detailed Itemization that is the basis for the current written request's increased estimated fee deposit.

The County shall no longer require an increased estimated fee deposit if **any** of the following apply:

- The individual 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; or
 - Three hundred sixty-five days have passed since the individual made the written request for which full payment was not remitted to the County.
- If a deposit is not received within 45 days from receipt of the deposit notice letter (it is considered received 3 days after it is sent), and no appeal of the deposit amount is filed, the request is abandoned. The notice of a deposit will include the date by which the deposit must be received (48 days after notice is sent).

G. Am I Entitled to a Wavier or Reduction of Fees?

- A reduction of the fee by \$20.00 is available to certain individuals who submit an affidavit stating they are indigent and receiving public assistance, or if not receiving public assistance, stating facts showing inability to pay because of indigency. For this reduction to apply, the individual may not have received discounted fees twice during that calendar year and the person may not be requesting on behalf of parties who are paying to make the request.
- A reduction of the fee by \$20.00 is also available to certain non-profit organizations formally carrying out activities under subtitle C of the developmental disabilities assistance and bill of rights act of 2000, and the protection and advocacy for individuals with mental illness act, provided that the request is made on behalf of the organization or its clients, is made for a reason consistent with the laws under Section 931 of the mental health code and is accompanied by documentation of its designation by the state.
- The FOIA Coordinator may reduce or waive the imposition of fees if the FOIA Coordinator determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.
- If the County does not respond to a written request in a timely manner as required by the FOIA, the County shall reduce the charges for labor costs by 5% for each day the County exceeds the time permitted, with a maximum 50% reduction, if the late response was

willful and intentional or the written request included specific language as set forth more fully in the Procedures and Guidelines.

H. How Can I Appeal a Decision to Deny All or Part of My Request?

- If a requestor desires to appeal all or part of a decision to deny a request, the requestor must submit to the Cass County Board of Commissioners (“County Board”) a written appeal that specifically states the word “appeal” and identifies the reason or reasons for reversal of the denial.
- The County Board is not considered to have received a written appeal until the first regularly scheduled meeting after submission of the written appeal.
- The County will respond within 10 business days by reversing the disclosure denial, upholding the denial, revising in part and upholding in part the denial or issuing a 10 business day extension.

I. How Can I Appeal a Determination of the Fee or Deposit Amount?

- The requestor may submit to the County Board a written appeal for a fee reduction that specifically states the word “appeal” and identifies how the required fee exceeds the amount permitted under the Procedures and Guidelines or Section 4 of the FOIA.
- The County Board is not considered to have received a written appeal until the first regularly scheduled meeting after submission of the written appeal.
- The County will respond within 10 business days by waiving the fee, reducing the fee and explaining the basis for the remaining fee, upholding the fee or issuing a 10 business day extension.

J. Can I File a Lawsuit Regarding the Denial of a FOIA Request?

- If the County Board fails to respond to a written appeal or if the County Board upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requestor may seek judicial review of the nondisclosure by commencing a civil action within 180 days after the County’s final determination to deny a request. A requestor may also commence a civil action in the circuit court to compel the County’s disclosure of the public records within 180 days after the County’s final determination to deny a request. The requestor is not required to appeal the denial to the County Board before commencing the civil action.
- If a person prevails in an action regarding the denial of a request, the court shall award reasonable attorneys’ fees, costs and disbursements. If the person prevails in part, the court may award all or a portion of the attorneys’ fees, costs and disbursements. If the court determines the FOIA was arbitrarily or capriciously violated, the court shall order a civil fine of \$1,000.00 to be paid to the state treasury. The court may also award actual, compensatory or punitive damages.

K. Can I File a Lawsuit Regarding the Fee Charged For a FOIA Request?

- A requestor may commence a civil action in the circuit court for a fee reduction if the County (1) failed to respond to a written appeal or (2) issued a determination of a written appeal. This action must be filed within 45 days after receiving notice of the determination of an appeal to the County Board. The requester must file an appeal for a fee reduction before commencing a circuit court action.
- If a person prevails in an action by receiving a reduction of 50% or more of the total fee, the court may award all or a portion of the reasonable attorneys' fees. If the court determines FOIA was arbitrarily or capriciously violated, the court shall order a civil fine of \$500.00 to be paid to the state treasury. The court may also award actual, compensatory or punitive damages.

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CASS COUNTY DETAILED ITEMIZATION

LABOR CHARGES	
A. Cost for Searching for, Locating and Examining of Public Records 1. <i>Determination of Hourly wage:</i> \$ _____ \$ _____ (Employee 2 ("E2"), if applicable) \$ _____ (Employee 3 ("E3"), if applicable) ☐ Hourly wage includes a fringe benefit percentage multiplier of _____% 2. <i>Determination of total time using increments of 15 minutes with partial time rounded down:</i> _____ hours; E2 _____; E3 _____. The FOIA Coordinator has determined that failure to charge this fee would result in unreasonably high costs to the County because of the nature of the request in the particular instance because of the following reasons: _____ _____	Hourly wage: \$ _____ \$ _____ (E2) \$ _____ (E3) Total time: _____ hours _____ hours (E2) _____ hours (E3) A. Total Fee (hourly wage x total time): \$ _____
B. Cost for Separating Exempt Information, including Redaction of Documents. 1. <i>For employees:</i> a. <i>Determination of the Hourly wage:</i> \$ _____ \$ _____ (Employee 2 ("E2"), if applicable) \$ _____ (Employee 3 ("E3"), if applicable) ☐ Hourly wage includes a fringe benefit percentage multiplier of _____% b. <i>Determination of total time using increments of 15 minutes with partial time rounded down.</i> _____ hours; E2 _____; E3 _____. The FOIA Coordinator has determined that failure to charge this fee would result in unreasonably high costs to the County because of the nature of the request in the particular instance because of the following reasons: _____ _____ 2. <i>For Contracted Labor Costs:</i> ☐ The FOIA Coordinator has determined that the County does not employ a person capable of deleting exempt information from non-exempt information in the particular instance and the work is being performed by the following person or firm: _____	Hourly wage: \$ _____ \$ _____ (E2) \$ _____ (E3) Total time: _____ hours _____ hours (E2) _____ hours (E3) B1. Total Fee (hourly wage x total time): \$ _____

a. Determination of the Hourly wage: The hourly wage of the contracted labor (not to exceed 6 times the State of Michigan minimum hourly wage): \$ _____ b. Determination of total time using increments of 15 minutes with partial time rounded down. _____ hours. ☐ The FOIA Coordinator has determined that failure to charge this fee would result in unreasonably high costs to the County because of the nature of the request in the particular instance because of the following reasons: _____ _____	Contracted labor hourly wage: \$ _____ Contracted labor hours: _____ hours B.2 Total Fee for contracted labor (hourly wage x hours): \$ _____
C. Cost for Duplication and Publication. 1. Determination of the Hourly wage: \$ _____ ☐ Hourly wage includes a fringe benefit percentage multiplier of _____% 2. Determination of total time using increments of one (1) minute with partial time rounded down. _____ hours.	Hourly wage: \$ _____ Total time: _____ hours C. Total Fee (hourly wage x hours) \$ _____
Other Actual Costs	
D. Costs for Paper Copies. The actual total incremental cost of necessary duplication and publication using the most economical means available: 1. Not to exceed \$.10 per sheet for 8 ½ by 11 or 8 ½ by 14 in paper: \$ _____ per sheet x _____ number of sheets = \$ _____. 2. Other paper sizes: \$ _____ per sheet x _____ number of sheets = \$ _____.	D. Total Fee (add totals for all sizes of paper): \$ _____
E. Costs for Nonpaper Physical Media. The actual and most reasonably economical cost of the computer disc, flash drives, computer tape or other similar media: \$ _____ per item x _____ number of items .	E. Total Fee: \$ _____
F. Cost of Mailing: 1. The actual cost of mailing: \$ _____ 2. Fee for the least expensive postal delivery confirmation: \$ _____ 3. Costs for the envelope or box for mailing \$ _____. ☐ The requestor has stipulated to expedited shipping and/or insurance and those costs are listed above as the actual costs of mailing.	F. Total Fee: (add all 3 costs): \$ _____
Total Fee (If No Deposit) Fee paid on: _____	

Deposit Required	
☐ The County requires a deposit of \$_____ (1/2 of the estimated fee) and this total estimated fee exceeds \$50.00. ☐ The County requires a deposit of \$_____ (100% of the estimated fee) because this request meets the statutory requirements for failing to pay for prior requests under Section 4(11) of the FOIA. The deposit must be received on or before _____. If the deposit is not received by this date, the request will be considered abandoned.	Deposit Amount: \$_____ Deposit Paid on _____
Total Fee \$_____ - Deposit Amount \$_____ = Remaining Fee Due of \$_____ Fee Paid on _____	Total Fee Due: \$_____

Costs for Providing Documents Available on the Website	
The County has notified the requestor in its written response that all or a portion of the requested information is available on its website. The County has determined that the detailed itemization of the cost of the information that is available on the website is \$_____.	Total Fee: _____

Reductions for Late Response	
Reduction for Late Response: If the County does not respond to a written request in a timely manner, the County shall reduce the charges for labor costs by 5% for each day the County exceeds the time permitted, with a maximum 50% reduction. _____ days x 5% of labor costs = \$_____	Subtract \$_____ of labor charges (up to 50% of labor costs).

CASS COUNTY DETAILED ITEMIZATION

LABOR CHARGES	
A. Cost for Searching for, Locating and Examining of Public Records in Conjunction with Receiving and Fulfilling a <u>Granted Written Request</u>. 1. Determination of the Hourly wage: The hourly wage of the lowest paid public employee capable of searching for, locating and examining the public records in this particular instance regardless of who actually performs the labor. \$ _____ ☐ This labor charge includes fringe benefit costs (up to 50% of the applicable labor charge but not more than the actual costs of fringe benefits) using the hourly wage identified above and a percentage multiplier of _____% (hourly wage x percentage multiplier=\$ _____) ☐ This hourly wage is an overtime rate that <u>was agreed to by the requestor</u> in the amount of \$ _____ per hour. 2. Determination of total time using increments of 15 minutes with partial time rounded down. (So, for 15 minutes, use .25 hours; 30 minutes, use .5 hours; for 45 minutes use .75 hours). _____ hours. ☐ The FOIA Coordinator has determined that failure to charge this fee would result in unreasonably high costs to the County because of the nature of the request in the particular instance because of the following reasons: _____ _____	Hourly wage: \$ _____ Total time: _____ hours A. Total Fee (hourly wage x total time): \$ _____
B. Cost for Separating Exempt Information from Non-Exempt, including Redaction of Documents. 1. <u>For Employee Labor Costs</u>: a. Determination of the Hourly wage: The hourly wage of the lowest paid public employee capable of searching for, locating and examining the public records in this particular instance regardless of who actually performs the labor. \$ _____ ☐ This labor charge includes fringe benefit costs (up to 50% of the applicable labor charge but not more than the actual costs of fringe benefits) using the hourly wage identified above and a percentage multiplier of _____% (hourly wage x percentage multiplier = \$ _____) ☐ This fee is an overtime rate that <u>was agreed to by the requestor</u> in the amount of \$ _____ per hour. b. Determination of total time using increments of 15 minutes with partial time rounded down. (So, for 15 minutes, use .25 hours; 30 minutes, use .5 hours). _____ hours.	1.a Hourly wage for employees: \$ _____ 1.b Total time for employees: _____ hours 1.c Total Employee labor charge (hourly wage x hours): \$ _____

2. <i>For Contracted Labor Costs:</i> ☐ The FOIA Coordinator has determined that the County does not employ a person capable of deleting exempt information from non-exempt information in the particular instance and the work is being performed by the following person or firm: _____ a. Determination of the Hourly wage: The hourly wage of the contracted labor (not to exceed 6 times the State of Michigan minimum hourly wage): \$_____ ☐ This hourly wage is an overtime rate that <u>was agreed to by the requestor</u> in the amount of \$_____ per hour. b. Determination of total time using increments of 15 minutes with partial time rounded down. (So, for 15 minutes, use .25 hours; 30 minutes, use .5 hours; 45 minutes use .75 hours). _____ hours. ☐ The FOIA Coordinator has determined that failure to charge this fee would result in unreasonably high costs to the County because of the nature of the request in the particular instance because of the following reasons: _____ _____ _____	2.a Contracted labor hourly wage: \$_____ 2.b Contracted labor hours: _____ hours 2.c Total Fee for contracted labor (hourly wage x hours): \$_____
C. Cost for Duplication and Publication. 1. Determination of the Hourly wage: The hourly wage of the lowest paid public employee capable of searching for, locating and examining the public records in this particular instance regardless of who actually performs the labor. \$_____ ☐ This labor charge includes fringe benefit costs (up to 50% of the applicable labor charge but not more than the actual costs of fringe benefits) using the hourly wage identified above and a percentage multiplier of _____% (hourly wage x percentage multiplier = \$_____) ☐ This hourly wage is an overtime rate that <u>was agreed to by the requestor</u> in the amount of \$_____ per hour. 2. Determination of total time using increments of one (1) minute with partial time rounded down. _____ hours.	Hourly wage: \$_____ Total time: _____ hours C. Total Fee (hourly wage x hours) \$_____

Other Actual Costs		
D. Costs for Paper Copies. The actual total incremental cost of necessary duplication and publication using the most economical means available: 1. Not to exceed \$.10 per sheet for 8 ½ by 11 or 8 ½ by 14 in paper: \$_____ per sheet x _____ number of sheets = \$_____. 2. Other paper sizes: \$_____ per sheet x _____ number of sheets = \$_____.		D. Total Fee (add totals for all sizes of paper): \$_____
E. Costs for Nonpaper Physical Media. The actual and most reasonably economical cost of the computer disc, flash drives, computer tape or other similar media: \$_____ per item x _____ number of items .		E. Total Fee: \$_____
F. Cost of Mailing: 1. The actual cost of mailing: \$_____ 2. Fee for the least expensive postal delivery confirmation: \$_____ 3. Costs for the envelope or box for mailing \$_____. ☐ The requestor has stipulated to expedited shipping and/or insurance and those costs are listed above as the actual costs of mailing.		F. Total Fee: (add all 3 costs): \$_____
Costs for Providing Documents Available on the Website		
G. ☐ The County has notified the requestor in its written response that all or a portion of the requested information is available on its website. The following is a detailed itemization of the cost of the information that is available on the website: 1. <i>Labor Costs – Searching for, locating and examining:</i> a. Determination of Hourly wage: The hourly wage of the lowest paid public employee capable of searching for, locating and examining the public records in this particular instance regardless of who actually performs the labor. \$_____ ☐ This labor charge includes fringe benefit costs (up to 50% of the applicable labor charge but not more than the actual costs of fringe benefits) using the hourly wage identified above and a multiplier of _____% (hourly wage x percentage multiplier = \$_____) ☐ This fee is an overtime rate that <u>was agreed to by the requestor</u> in the amount of \$_____ per hour. b. Determination of total time using increments of 15 minutes with partial time rounded down _____ hours.		1. Total fee (hourly wage x hours): \$_____

2. <i>Labor Costs: Copying or Duplication:</i> a. Determination of Hourly wage: The hourly wage of the lowest paid public employee capable of searching for, locating and examining the public records in this particular instance regardless of who actually performs the labor. \$ _____ ☐ This labor charge includes fringe benefit costs (up to 50% of the applicable labor charge but not more than the actual costs of fringe benefits) using the hourly wage identified above and a multiplier of _____% (hourly wage x percentage multiplier = \$ _____) ☐ This hourly wage is an overtime rate that <u>was agreed to by the requestor</u> in the amount of \$ _____ per hour. b. Determination of total time using increments of ____ minutes with partial time rounded down. _____ hours. 3. The actual total incremental cost of necessary duplication and publication: a. Not to exceed \$.10 per sheet for 8 ½ by 11 or 8 ½ by 14 in paper: \$ _____ per sheet x _____ number of sheets = \$ _____. b. Other paper sizes: \$ _____ per sheet x _____ number of sheets = _____. 4. Costs for Nonpaper Physical Media \$ _____ per item x _____ number of items. 5. Cost of Mailing: a. The actual cost of mailing in a reasonably commercial and justifiable manner: \$ _____ b. The charge for the least expensive postal delivery confirmation: \$ _____ c. Costs for the envelope or box for mailing. \$ _____ ☐ The requestor has stipulated to expedited shipping and/or insurance and those costs are listed above as the actual costs of mailing.	2. Total fee (hourly wage x hours): \$ _____ 3. Total cost for paper copies: \$ _____ 4. Total cost for nonpaper physical media: \$ _____ 5. Total cost of Mailing: \$ _____ G. Total Cost for Providing Documents: \$ _____
1. Subtotal Charges: Add Items A – F Above: 2. Subtotal with Website Document Charges from G above if applicable	Total Fee: \$ _____ Total Fee with website records included if applicable \$ _____.

Waivers or Reductions		
Public Interest Reduction or Waiver. The FOIA Coordinator may reduce or waive the imposition of fees if the FOIA Coordinator determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public. ☐ Fee waiver granted or granted in part for a reduction of \$_____		Subtract \$_____
Waiver of Fees of First \$20.00. A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request by either of the following: 1. <u>Indigency</u> : Certain individuals who submit an affidavit stating that the individual is indigent or receiving public assistance as stated more fully in the FOIA and the County's Procedures and Guidelines. ☐ FOIA Coordinator Approves the Waiver. 2. <u>Certain Non-Profit Organizations</u> . A non-profit organization formally designated by the state to carry out activities under subtitle C of the developmental disabilities assistance and bill of rights act of 2000, and the protection and advocacy for individuals with mental illness act as stated more fully in FOIA and the County's Procedures and Guidelines. ☐ FOIA Coordinator Approves the Waiver.		Subtract Waiver of Fee: \$_____
Reduction for Late Response: If the County does not respond to a written request in a timely manner, the County shall reduce the charges for labor costs by 5% for each day the County exceeds the time permitted, with a maximum 50% reduction. However, this reduction only applies (1) if the late response was willful and intentional or (2) the request contained the language required by the FOIA for such reduction (See Procedures and Guidelines). _____ number of days x 5% of labor costs = \$_____		Subtract \$_____ of labor charges (up to 50% of labor costs).
Final Total After Any Applicable Reductions or Waivers:		\$_____
Deposit: ☐ The County requires a deposit of \$_____ (1/2 of the estimated fee) and this total estimated fee exceeds \$50.00. ☐ The County requires a deposit of \$_____ (100% of the estimated fee) because this request meets the statutory requirements for failing to pay for prior requests under Section 4(11) of the FOIA. The deposit must be received on or before _____. If the deposit is not received by this date, the request will be considered abandoned.		Deposit Amount: \$_____ ☐ Deposit Paid on _____
Total Fee \$_____ - Deposit Amount \$_____ = Remaining Fee Due of \$_____ ☐ Fee Paid on _____		Total Fee Due: \$_____

Re: Freedom of Information Act
Deposit Required

Cass County ("County") received your Freedom of Information Act ("FOIA") request. The County requires a deposit before further processing this request.

The County has determined that the total good faith estimate of the cost of processing this request will be \$_____ (see attached Detailed Itemization Sheet). The County will process your request after you have paid a deposit of \$_____ (which is ½ the total estimated costs), as provided in Section 4(8) of the Michigan Freedom of Information Act. MCL 15.234(8). The deposit must be received by _____ **[insert date that is 48 days after the date this notice is sent]** or the request will be considered abandoned by law.

The County estimates that it will be able to provide the documents to you within _____ days of receiving the deposit. Please be advised that this date is a good faith estimate of the timeframe required to provide the documents as set forth more fully in Section 4(8) of the FOIA.

The County's FOIA Procedures and Guidelines and the written FOIA summary can be found at www.casscountymi.org.

Should you have any questions, please feel free to contact me.

Sincerely,

FOIA Coordinator

Re: Freedom of Information Act Request
Invalid Request

On _____, Cass County received your Freedom of Information Act request. Pursuant to the FOIA, a request from a person (other than an individual who qualifies as indigent under the FOIA), must include the requesting person's complete name, address, and contact information, and, if the request is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual. An address must be written in compliance with United States Postal Service addressing standards. Contact information must include a valid telephone number or electronic mail address.

Your request does not contain the information required by the FOIA; therefore, the County will not process your request.

Sincerely,

FOIA Coordinator

86067:00001:5847593-1

CASS COUNTY BOARD OF COMMISSIONERS

R-192-21

A RESOLUTION TO APPROVE FOIA PROCEDURES AND GUIDELINES, A WRITTEN PUBLIC SUMMARY AND DETAILED ITEMIZATION FOR CASS COUNTY SHERIFF

WHEREAS, this resolution and associated FOIA policy documents were drafted by legal counsel and recommended to be placed on the Agenda by the Cass County Policy Committee; and

WHEREAS, the Cass County Sheriff's Office ("Sheriff's Office") is a public body as defined by the Michigan Freedom of Information Act, 1976 PA 442, as amended ("FOIA"); and

WHEREAS, in the performance of its function as trustees for the Sheriff's Office, it is necessary and appropriate for the County Board to establish and adopt policies for the operation of the Sheriff's Office; and

WHEREAS, pursuant to Section 4(4) of the FOIA, the Sheriff's Office shall establish procedures and guidelines to implement the FOIA and shall create a written public summary regarding how to submit written requests to the Sheriff's Office and explaining how to understand the Sheriff's Office's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal; and

WHEREAS, the Sheriff's Office adopted Procedures and Guidelines, a Written Public Summary, and a detailed itemization; and

WHEREAS, pursuant to 2018 PA 523 ("Act 523"), the Legislature amended the FOIA to require certain contact information from the requester and to clarify when a FOIA is considered abandoned if a requester has not paid a deposit; and

WHEREAS, since Act 523 changes the requirement for submitting written requests and the deposit notice and payment requirements, the Sheriff's Office will be required to amend its Procedures and Guidelines and Written Public Summary; and

WHEREAS, in the interests of the health, safety and welfare of the County, the Sheriff's Office desires to repeal and replace the Procedures and Guidelines, Written Public Summary and Detailed Itemization so that it is in compliance with the FOIA and may charge the fees permitted under the FOIA.

NOW, THEREFORE, BE IT RESOLVED by the Cass County Board of Commissioners as follows:

- 1.** The Sheriff's Office hereby adopts and approves the County Procedures and Guidelines (attached as Exhibit A to this Resolution) in compliance with the FOIA. The Procedures and Guidelines attached as Exhibit A shall repeal and replace any previous version of the Procedures and Guidelines that have been approved by the County.
- 2.** The Sheriff's Office also adopts and approves the amended Written Public Summary (attached as Exhibit B to this Resolution). The Written Public Summary attached as Exhibit B shall repeal and replace any previous version of the Written Public Summary that has been approved by the County.
- 3.** The Sheriff's Office also adopts and approves the amended Detailed Itemization Sheet (attached as Exhibit C to this Resolution). The Detailed Itemization Sheet attached as Exhibit C shall repeal and replace any previous version of the Detailed Itemization Sheet that has been approved by the County. The County also authorizes the FOIA Coordinator to modify the Detailed Itemization if such modifications are in the best interest of the County and do not conflict with the FOIA.

4. The Sheriff's Office shall make the Procedures and Guidelines publicly available by providing free copies of the Procedures and Guidelines and its Written Public Summary both in the County's response to a written request (or may include the website link to the documents in lieu of providing paper copies in its response to a written request) and upon request by visitors at the Sheriff's Office.
5. The Sheriff's Office shall post and maintain the Procedures and Guidelines and Written Public Summary on its website.
6. All resolutions, motions, policies, including any Freedom of Information Act policies, or any parts thereof that are in conflict with this Resolution are hereby repealed to the extent of such conflict.

ADOPTED THIS 4th DAY OF NOVEMBER 2021

ATTEST:

Monica McMichael, Clerk/Register
COUNTY OF CASS

Dwight Dyes, Chair
CASS COUNTY BOARD OF COMMISSIONERS

CASS COUNTY SHERIFF'S OFFICE
FREEDOM OF INFORMATION ACT PROCEDURES AND GUIDELINES

I. PURPOSE.

The Cass County Sheriff's Office (the "Sheriff's Office") adopts the public policy set forth in the Michigan Freedom of Information Act, 1976 PA 442 ("FOIA"), that all persons, except those persons incarcerated in state, county or federal correctional facilities, 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 public employees, consistent with the FOIA. Access to information is important so that people may fully participate in the democratic process. These Procedures and Guidelines are enacted in compliance with the requirements set forth in Section 4(4) of the FOIA.

II. FOIA COORDINATOR.

The Sheriff's Office appoints the Undersheriff as the FOIA Coordinator. The FOIA Coordinator will respond to requests in accordance with the FOIA. An employee of the Sheriff's Office who receives a request for a public record must promptly forward that request to the FOIA Coordinator. The FOIA Coordinator is responsible for accepting, processing and approving a denial of a request and signing the written notice of denial. The FOIA Coordinator may designate another individual to act on his or her behalf in accepting and processing requests for the Sheriff's Office public records, and in approving a denial.

III. REQUEST REQUIRED.

A. *Requestor; Public Record.* An individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity, except those persons incarcerated in state, county or federal correctional facilities, may request public records from the Sheriff's Office. "Public Record" has the meaning as defined in Section 2(e) of the FOIA.

B. *Verbal Requests.* The Sheriff's Office may, but is not required to, provide public records in response to a verbal request, unless such verbal request is for information that the Sheriff's Office believes is available on its website. In such case, an employee, where practicable and to the best of his or her knowledge, shall inform the requestor about the pertinent website where the information is available.

C. *Written Requests.* Except as provided in Section III.B above, a person desiring to inspect, copy or receive a copy of a public record shall make a written request for the public record to the Sheriff's Office. A request can be made through a letter, in person, or sent by electronic transmission.

1. Where to Send the Request. Whenever possible, requests for public records should be directed to the following recipients so that the information can reach the FOIA Coordinator:

- a. By mail or in person:

Cass County Sheriff's Office
Attn: FOIA Coordinator
321 N-62 North
Cassopolis, MI 49031

- b. By e-mail: SheriffFOIA@cassco.org
- c. By fax: (269) 445-0036

2. Sufficient Description. Requests in writing must identify the public record sufficiently to allow the Sheriff's Office to find the requested record. If not, the request may be denied on that basis.

3. Electronic Transmissions. For requests sent by electronic transmission, the following shall apply:

- a. Electronic Transmissions. A written request made by facsimile, electronic mail, or other electronic transmission is not received by the Sheriff's Office's FOIA coordinator until 1 business day after the electronic transmission is made.

- b. Spam or Junk Mail Folder. If a written request is sent by electronic mail and delivered to the Sheriff's Office's spam or junk mail folder, the request is not received until 1 day after the Sheriff's Office first becomes aware of the written request. The Sheriff's Office shall note in its records both the time a written request is delivered to its spam or junk mail folder and the time the Sheriff's Office first becomes aware of that request. The FOIA Coordinator shall be responsible for routinely monitoring the spam and junk mail folders in order to determine whether they contain any FOIA requests.

4. Specify Format. The requestor may specify whether he or she would like to inspect, receive paper copies, or receive the public records on nonpaper physical media. The Sheriff's Office is only required to comply with the request for specified nonpaper physical media if it has the technological capability necessary to provide the public records on the requested nonpaper physical media in the particular instance.

5. Subscription. A person has a right to subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis. A subscription shall be valid for up to 6 months, at the request of the subscriber, and shall be renewable.

IV. PROCEDURES FOR RESPONDING TO WRITTEN FOIA REQUESTS.

A. *Response.* Unless otherwise agreed to in writing by the person making the request, the Sheriff's Office shall respond to a request within 5 business days after it receives the request by:

1. Granting the request (which would include notifying the requestor that all or a portion of the public records requested are available on the website, if applicable);
2. Issuing a written notice to the requesting person denying the request;
3. Granting the request in part and issuing a written notice to the requesting person denying the request in part (which would include notifying the requestor that all or a portion of the public records requested are available on the website if applicable); or
4. Issuing a notice extending for not more than 10 business days the period during which the Sheriff's Office shall respond to the request.

The Sheriff's Office's written response shall be considered the final determination regarding the FOIA request.

B. *Understanding the Sheriff's Office's Response.* The Sheriff's Office has an obligation to respond as required under the FOIA. If the Sheriff's Office grants a written request in full, the requestor will receive a notice indicating that it has been granted. However, if the request is denied or denied in part, the Sheriff's Office shall provide the following information:

- 1 Pursuant to Section 13 of the FOIA, the Sheriff's Office may exempt certain documents from disclosure. The FOIA Coordinator will review the request to determine if any exemptions apply. The FOIA Coordinator may request assistance from the Sheriff's Office's Attorney regarding the application of exemptions. If exempt, the Sheriff's Office shall provide an explanation of the basis under this act or other statute for the determination that the public record, or portion of that public record, is exempt from disclosure, if that is the reason for denying all or a portion of the request.
2. A certificate that the public record does not exist under the name given by the requestor or by another name reasonably known to the Sheriff's Office, if that is the reason for denying the request or a portion of the request. The denial letter may indicate that the letter serves as the certificate as required by the FOIA.
3. A description of a public record or information on a public record that is separated or deleted pursuant to Section 14 of the FOIA, if a separation or deletion is made.

4. A full explanation of the requesting person's right to do either of the following:

a. Submit to the Cass County Board of Commissioners a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the disclosure denial; or

b. Seek judicial review of the denial under Section 10 of the FOIA.

5. Notice of the right to receive attorneys' fees and damages as provided in Section 10 of the FOIA, MCL 15.240, if, after judicial review, the court determines that the Sheriff's Office has not complied and orders disclosure of all or a portion of a public record.

C. *No Obligation to Create Records.* The FOIA does not require the Sheriff's Office to make a compilation, summary, or report of information. Further, the Sheriff's Office is not required to create a new public record in order to respond to a request.

D. *Documents Available on Website.* If the FOIA Coordinator knows or has reason to know that all or a portion of the requested information is available on its website, the Sheriff's Office shall notify the requestor in its written response. The written response, to the degree practicable in the specific instance, shall include a specific webpage address where the requested information is available.

If all or a portion of the requested records are available on the website and the Sheriff's Office has included the website address in its written response but the requestor wants the public records in a paper format or other nonpaper physical media, the Sheriff's Office shall provide the public records in the specified format. On the detailed itemization, the Sheriff's Office shall separate the requested public records that are available on its website from those that are not available on the website and shall inform the requestor of the additional charge to receive copies of the public records that are available on its website.

V. FEES.

The Sheriff's Office may charge a fee for a public record search, for the necessary copying of a public record for inspection, or for providing a copy of a public record because it has established, made publicly available, and follows these Procedures and Guidelines and the FOIA. The fee shall be limited to actual mailing costs and to the actual incremental cost of duplication or publication including labor; the cost of search, examination and review; and the deletion and separation of exempt information from non-exempt information as set forth more fully in these Procedures and Guidelines. The FOIA Coordinator shall provide a detailed itemization of costs on a standard form, as required under Section 4(4) of the FOIA ("Detailed Itemization"). The total fee shall not exceed the sum of the following components:

A. *Labor Costs:*

1. Searching for, Locating and Examining.

a. The Sheriff's Office may charge for searching for, locating and examining public records in conjunction with receiving and fulfilling a granted written request.

b. The Sheriff's Office shall not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in the particular instance regardless of whether that person is available or who actually performs the labor.

c. These labor costs shall be estimated and charged in increments of 15 minutes, with all partial time increments rounded down.

2. Separating and Deleting Exempt from Non-Exempt:

a. For services performed by an employee of the Sheriff's Office, the Sheriff's Office shall not charge more than the hourly wage of its lowest-paid employee capable of separating and deleting exempt information from non-exempt information in the particular instance, regardless of whether that person is available or who actually performs the labor. All references in these Procedures and Guidelines to separating and deleting exempt information from non-exempt information shall refer to the separation and deletion requirements set forth in Section 14 of the FOIA, MCL 15.244.

b. If the Sheriff's Office does not employ a person capable of separating and deleting exempt information from non-exempt information in the particular instance, it may treat necessary contracted labor costs used for the separating and deleting of exempt information from non-exempt information in the same manner as employee labor costs when calculating charges under this subdivision if all of the following occur:

1) The Sheriff's Office's FOIA Coordinator determines on a case-by-case basis that the Sheriff's Office does not employ a person capable of separating and deleting exempt information from non-exempt information.

2) The Sheriff's Office clearly notes the name of the contracted person or firm on the Detailed Itemization.

3) Total labor costs calculated for contracted labor costs shall not exceed an amount equal to 6 times the state minimum hourly wage rate.

c. These labor costs shall be estimated and charged in increments of 15 minutes, with all partial time increments rounded down.

d. The Sheriff's Office shall not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the public record in question and the redacted version is still in the Sheriff's Office's possession.

e. If the Sheriff's Office directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from this labor charge.

3. Duplication or Publication Labor Charges.

a. The Sheriff's Office may charge labor costs for duplication and publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on nonpaper physical media or through the internet or other electronic means as stipulated by the requestor.

b. The Sheriff's Office shall not charge more than the hourly wage of its lowest-paid employee capable of necessary duplication or publication in the particular instance, regardless of whether that person is available or who actually performs the labor.

c. Labor costs shall be estimated and charged in increments of one (1) minute or more, with all partial time increments rounded down.

4. Fringe Benefit Costs. The Sheriff's Office may also add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits if it clearly notes the percentage multiplier used to account for benefits in the Detailed Itemization. Subject to the 50% limitation, the Sheriff's Office shall not charge more than the actual cost of fringe benefits, and overtime wages shall not be used in calculating the cost of fringe benefits.

If all or a portion of the requested records are available on the website and the Sheriff's Office has included the website address in its written response but the requestor wants the public records in a paper format or other nonpaper physical media, the Sheriff's Office shall provide the public records in the specified format but may use a fringe benefit multiplier greater than the 50% limitation, not to exceed the actual costs of providing the information in the specified format.

5. Overtime Wages. Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the Detailed Itemization.

6. Itemization. All labor fee components shall be itemized using both the hourly wage and the number of hours charged on the Detailed Itemization.

7. Unreasonably High Costs. The labor fee shall not be charged for (1) searching for, locating and examining of public records, or (2) the cost of the deletion and separation of exempt information from non-exempt information, unless failure to charge a fee would result in unreasonably high costs to the Sheriff's Office because of the nature of the request in the particular instance, and the Sheriff's Office specifically identifies the nature of these unreasonably high costs. The FOIA Coordinator has authority to determine when the costs are unreasonably high in a particular instance, including, but not limited to, instances when the costs would be excessive and beyond the normal or usual amounts for responding to a request. In doing so, the FOIA Coordinator may take into account considerations such as the volume and complexity of the FOIA request as well as the Sheriff's Office's particular fiscal condition at the time of the request or any other conditions authorized by law.

B. *Other Costs.*

1. Nonpaper Physical Media. Costs for providing records on nonpaper physical media.

a. The requestor may stipulate that the public records be provided on nonpaper physical media, electronically mailed, or otherwise electronically provided to him or her in lieu of paper copies. The Sheriff's Office is not required to provide the documents on nonpaper physical media if it lacks the technological capability necessary to provide records on the requested particular nonpaper physical media.

b. For public records provided to the requestor on nonpaper physical media, the Sheriff's Office may charge the actual and most reasonably economical cost of the computer discs, computer tapes, or other digital or similar media. The Sheriff's Office may use (but is not required to) a computer disc, thumb drive or other nonphysical media provided by the requestor but only if it is provided in its original packaging. Because the safety and security of the Sheriff's Office's computers and network is of important public interest, the Sheriff's Office may take that security interest into account when determining the means of providing the documents on nonpaper physical media.

2. Costs for Providing Paper Copies.

- a. For paper copies of public records provided to the requestor, the Sheriff's Office may charge the actual total incremental cost of necessary duplication or publication, not including labor.
- b. The cost of paper copies shall be calculated as a total cost per sheet of paper and shall be itemized and noted in a manner that expresses both the cost per sheet and the number of sheets provided.
- c. The fee shall not exceed 10 cents per sheet of paper for copies of public records made on 8½ by 11 inch paper or 8½ by 14 inch paper. For all other paper sizes, the Sheriff's Office may charge the actual total incremental cost of duplication or publication, not including labor.
- d. The Sheriff's Office shall utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

3. Mailing Costs.

- a. The Sheriff's Office shall charge the actual cost of mailing, if any, for sending the public records in a reasonably economical and justifiable manner.
- b. The Sheriff's Office shall not charge more for expedited shipping or insurance unless specifically stipulated by the requestor, but may otherwise charge for the least expensive form of postal delivery confirmation when mailing public records.

- C. *Statutory Fees.* The fees set forth in this Section V do not apply to public records prepared under an act or statute specifically authorizing the sale of those public records to the public, or if the amount of the fee for providing a copy of the public record is otherwise specifically provided by an act or statute.
- D. *Fees Paid Before Providing Documents.* The Sheriff's Office shall require that all fees be paid in full before providing records in response to granted or granted in part written requests.

VI. DEPOSIT.

- A. *Deposit.* In either the Sheriff's Office's initial response or subsequent response as described under Section 5(2)(d), the Sheriff's Office may require a good-faith deposit before providing the public records to the requestor if the entire fee estimate or charge authorized the FOIA exceeds \$50.00, based on a good-faith calculation of the total. The

deposit shall not exceed ½ of the total estimated fee, and the Sheriff's Office's request for a deposit shall be included in the Detailed Itemization. The response shall also contain a best efforts estimate by the Sheriff's Office regarding the time frame it will take the Sheriff's Office to comply with the law in providing the public records to the requestor. The time frame estimate is nonbinding upon the Sheriff's Office, but the Sheriff's Office shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this state's public policy and the nature of the request in the particular instance. If the Sheriff's Office does not respond in a timely manner as required by the FOIA, it is not relieved from its requirements to provide proper fee calculations and time frame estimates in any tardy responses. Providing an estimated time frame does not relieve the Sheriff's Office from any of the other requirements of this act.

B. *Increased Deposit For Prior Unpaid Requests.* After the Sheriff's Office has granted and fulfilled a written request from an individual under this act, if the Sheriff's Office has not been paid in full the total amount for the copies of public records that the Sheriff's Office made available to the individual as a result of that written request, the Sheriff's Office may require a deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual if all of the following apply:

1. The final fee for the prior written request was not more than 105% of the estimated fee.
2. The public records made available contained the information being sought in the prior written request and are still in the Sheriff's Office's possession.
3. The public records were made available to the individual, subject to payment, within the time frame estimate described Section 4(7) of the FOIA.
4. Ninety days have passed since the Sheriff's Office notified the individual in writing that the public records were available for pick up or mailing.
5. The individual is unable to show proof of prior payment to the Sheriff's Office.
6. The Sheriff's Office calculates a Detailed Itemization that is the basis for the current written request's increased estimated fee deposit.

The Sheriff's Office shall no longer require an increased estimated fee deposit from an individual described above if any of the following apply:

1. The individual is able to show proof of prior payment in full to the Sheriff's Office;

2. The Sheriff's Office is subsequently paid in full for the applicable prior written request; or

3. Three hundred sixty-five days have passed since the individual made the written request for which full payment was not remitted to the Sheriff's Office.

VII. WAIVER OR REDUCTION OF FEES.

A. *Waiver of Fees of First \$20.00.* A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request by either of the following:

1. Indigency. An individual who is entitled to information under this act and who submits an affidavit stating that the individual is indigent and receiving specific public assistance or, if not receiving public assistance, stating facts showing inability to pay the cost because of indigency.

a. If the requestor is eligible for a requested discount, the Sheriff's Office shall fully note the discount on the Detailed Itemization.

b. If a requestor is ineligible for the discount, the Sheriff's Office shall inform the requestor specifically of the reason for ineligibility in the Sheriff's Office's written response. An individual is ineligible for this fee reduction if any of the following apply:

1) The individual has previously received discounted copies of public records from the same Sheriff's Office twice during that calendar year.

2) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request, as verified by an affidavit executed by the requestor.

2. Certain Non-Profit Organizations. A non-profit organization formally designated by the state to carry out activities under subtitle C of the 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:

a. Is made directly on behalf of the organization or its clients.

b. 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.

c. Is accompanied by documentation of its designation by the state, if requested by the Sheriff's Office.

B. *Public Interest Reduction or Waiver.* The FOIA Coordinator may reduce or waive the imposition of fees if the FOIA Coordinator determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.

C. *Reduction for Late Responses.* If the Sheriff's Office does not respond to a written request in a timely manner as required by the FOIA, the Sheriff's Office shall do the following:

1. Reduce the charges for labor costs by 5% for each day the Sheriff's Office exceeds the time permitted, with a maximum 50% reduction, if either of the following applies:

a. The late response was willful and intentional.

b. The written request:

(i) included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or

(ii) specifically included the words, characters, or abbreviations for "freedom of information", "information", "FOIA", "copy", or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.

2. If a charge reduction is required, the Sheriff's Office shall fully note the charge reduction on the Detailed Itemization.

IX. INSPECTION.

Upon request, the Sheriff's Office must furnish a requesting person a reasonable opportunity for inspection and examination of its public records, and must furnish reasonable facilities for making memoranda or abstracts from its public records during the usual business hours. Pursuant to Section 4(1) of the FOIA, the Sheriff's Office may charge a fee for the public record search, for the necessary copying of a public record for inspection or for providing a copy of the public record after inspection.

The FOIA permits the Sheriff's Office to make reasonable rules necessary to protect its public records and to prevent excessive and unreasonable interference with the discharge of its functions. The Sheriff's Office must protect public records from loss, unauthorized

alteration, mutilation, or destruction. As such, the Sheriff's Office authorizes the FOIA Coordinator to determine whether in a particular circumstance an employee or agent of the Sheriff's Office must be present at any inspection of documents to protect the public records, and in such cases may assess charges as appropriate under law.

X. CERTIFIED COPIES.

The Sheriff's Office must, upon written request, furnish a requesting person a certified copy of the public record disclosed in whole or in part by the Sheriff's Office.

XI. APPEALS.

A. Appeal of a Final Determination to Deny All or a Portion of the Request.

1. Submit an Appeal. If a requestor desires to appeal all or part of a final determination to deny a request, the requestor must submit to the Cass County Board of Commissioners ("County Board") a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.
2. Receipt of Appeal. The County Board is not considered to have received a written appeal until the first regularly scheduled meeting of the County Board following submission of the written appeal.
3. Response to Appeal. Within 10 business days after receiving a written appeal, the County Board shall do 1 of the following:
 - a. Reverse the disclosure denial.
 - b. Issue a written notice to the requesting person upholding the disclosure denial.
 - c. Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.
 - d. Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the County Board shall respond to the written appeal. The County Board shall not issue more than 1 notice of extension for a particular written appeal.

B. Appeals of Fees (Including Deposits).

1. Submit an Appeal. If the Sheriff's Office requires a fee that exceeds the amount permitted under these Procedures and Guidelines or Section 4 of the FOIA, the requesting person may submit to the County Board a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the

required fee exceeds the amount permitted under these Procedures and Guidelines or Section 4 of the FOIA.

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

3. Response of Appeal. Within 10 business days after receiving a written appeal, the County Board shall do 1 of the following:

a. Waive the fee.

b. Reduce the fee and issue a written determination to the requesting person indicating the specific basis under Section 4 of the FOIA that supports the remaining fee. The determination shall include a certification from the County Board 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.

c. Uphold the fee and issue a written determination indicating the specific basis under Section 4 of the FOIA that supports the required fee. The determination shall include a certification from the County Board that the statements in the determination are accurate and that the fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA.

d. Issue a notice extending for not more than 10 business days the period during which the County Board must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The County Board shall not issue more than 1 notice of extension for a particular written appeal.

XII. CIVIL ACTION.

A. *Civil Action for Non-Disclosure or Denial of Public Records.*

1. Civil Action After Appeal: If the County Board fails to respond to a written appeal or if the County Board 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 within 180 days after the Sheriff's Office's final determination to deny a request.

2. Civil Action Directly After Denial. A requestor may also commence a civil action in the circuit court to compel the Sheriff's Office's disclosure of the public records within 180 days after the Sheriff's Office's final determination to deny a request. The requestor is not required to appeal the denial to the County Board before commencing the civil action.

3. Remedies; Fines. If the court determines a public record is not exempt from disclosure, it shall order the Sheriff's Office to cease withholding or to produce all or a portion of a public record wrongfully withheld. If the person prevails, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or Sheriff's Office 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 Sheriff's Office 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 Sheriff's Office to pay a civil fine of \$1,000.00 and shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00.

B. *Civil Action Regarding Fees.*

1. Civil Action After Appeal. A requestor may commence a civil action in the circuit court for a fee reduction if the Sheriff's Office (1) failed to respond to a written appeal or (2) made a determination on a written appeal. A requester must submit an appeal to the County Board for a fee reduction before commencing a civil action. If a civil action is commenced against the Sheriff's Office, the Sheriff's Office is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute. This action must be filed within 45 days after receiving notice of the determination of an appeal to the County Board.

2. Remedies; Fines. If the requesting person prevails 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. If the court determines the Sheriff's Office has arbitrarily and capriciously violated this act by charging an excessive fee, the court shall order the Sheriff's Office 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.

XIII. FOIA RECORD RETENTION.

The FOIA Coordinator must keep a copy of all written requests and documents sent in response to the request for public records on file for no less than 1 year, unless a longer retention time has been specified in a record retention policy applicable to the Sheriff's Office.

XIV. PUBLICATION AND NOTIFICATION OF PROCEDURE AND GUIDELINES.

Because the Sheriff's Office maintains a website, these Procedures and Guidelines and the summary shall be posted and maintained on the website. The Sheriff's Office shall

make these Procedures and Guidelines and summary publicly available by providing free copies both in the response to a written request and upon request by visitors at the Sheriff's Office's office. However, the Sheriff's Office may include the website link instead of providing paper copies in its response to a written request.

XV. SEVERABILITY; ENFORCEABILITY.

If any clause, provision or section of these Procedures and Guidelines shall be ruled invalid or unenforceable by any court of competent jurisdiction, the invalidity or unenforceability of such clause, provision or section shall not affect any of the remaining clauses, provisions or sections. If any of the Procedures and Guidelines is determined by the FOIA Coordinator to be in conflict with the FOIA or other law after adoption, the FOIA Coordinator has the authority to process FOIA requests in conformance with the FOIA and shall seek to amend these Procedures and Guidelines as soon as possible.

XVI. EFFECTIVE DATE.

These Procedures and Guidelines shall become effective upon approval.

CASS COUNTY SHERIFF'S OFFICE

WRITTEN PUBLIC SUMMARY OF THE FREEDOM OF INFORMATION ACT PROCEDURES AND GUIDELINES

The Cass County Sheriff's Office ("Sheriff's Office") adopts this written public summary pursuant to the requirements of Section 4(4) of the Michigan Freedom of Information Act, 1976 PA 442 ("FOIA") so that the public will understand the Sheriff's Office Procedures and Guidelines for processing FOIA requests. This is a summary of the Procedures and Guidelines. A complete copy of the Procedures and Guidelines is available at the Cass County Sheriff's Office located at 321 M-62 N., Cassopolis, Michigan 49031 or on the website at www.ccsso.info.

A. How Can I Request a Public Record?

- A person (except those persons incarcerated in state, county or federal correctional facilities), may request public records.
- The requestor must send a written request for the public record to the Sheriff's Office. A request can be made through a letter, in person, or sent by electronic transmission. The requests should be directed to the FOIA Coordinator. The contact information is as follows:

Cass County Sheriff's Office

Attn: FOIA Coordinator

321 M-62 N.

Cassopolis, MI 49031

E-Mail: SherriffFOIA@cassco.org

Fax: (269) 445-0036 – Attn: FOIA Coordinator

- A request from a person must include (unless the request is from an individual who qualifies as indigent) the person's complete name, address (in compliance with United State Postal Service standards), and contact information, and if made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual. Contact information must include a valid telephone number or electronic mail address.
- The requestor will not be required to use a specific form or format, but requests must identify the public record sufficiently to allow the Sheriff's Office to find the requested record.
- The Sheriff's Office may, but is not required to, respond to a verbal request. However, if the Sheriff's Office believes the information is available on its website, the Sheriff's Office will inform the requestor of the website location where practicable and to the best of his or her knowledge.

B. When Can I Expect a Response?

- Unless otherwise agreed to in writing, the Sheriff's Office will respond or seek a deposit within 5 business days after it receives the request. However, the Sheriff's Office may extend that time period by 10 business days.
- Please keep in mind that a request sent by e-mail or other electronic means is not considered received until 1 business day after it is transmitted. If the request is sent to a spam or junk mail folder, it is not considered received until 1 day after it is discovered.

C. How Can I Understand the Response?

- If the Sheriff's Office grants a written request in full, the requestor will receive a notice indicating that it has been granted.
- However, if the request is denied or denied in part, the Sheriff's Office shall provide any or all the following information, depending upon the reason for the denial:
 - An explanation of the basis that the public record, or portion of that public record, is exempt from disclosure, including a description of the information that is separated or deleted.
 - A certificate that the public record does not exist under the name given by the requestor or by another name reasonably known to the Sheriff's Office.
 - A full explanation of the requesting person's right to (1) submit to the Sheriff's Office Board a written appeal; or (2) seek judicial review of the denial under Section 10 of the FOIA. (See below for more details).
 - Notice of the right to receive attorneys' fees and damages if a court determines that the Sheriff's Office has not complied and orders disclosure of all or a portion of a public record.
- If a request is granted in part or granted in full, the Sheriff's Office will require payment before providing documents.

D. What if I Request Documents Available on the Website?

- If documents are available on the website, to the degree practicable, the response will include a specific webpage address where the requested information is available.
- The Sheriff's Office will inform the requestor of the additional charge to receive copies of the public records that are available on its website.

E. What Fees Will the Sheriff's Office Charge?

- The FOIA Coordinator will provide a detailed itemization of costs.
- For labor costs, the fee shall not exceed the sum of the following components:
 - Hourly Wage. The Sheriff's Office will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records; separating and deleting exempt information from non-exempt

information; and for duplication and publication regardless of whether that person is available or who actually performs the labor, except if the Sheriff's Office does not employ a person capable of separating and deleting exempt information from non-exempt information, it may treat necessary contracted labor costs for that purpose in the same manner as employee labor costs but may not exceed 6 times the State minimum hourly wage.

- Time Increments: The fee will be charged in fifteen (15) minute increments, with all partial time rounded down, except the labor fee for duplication and publication, which shall be charged in one (1) minute increments.
 - Determination of Unreasonably High Labor Costs. The fee for searching for, locating and examining public records and separating exempt information from non-exempt information (including redacting) will not be charged, unless failure to charge a fee would result in unreasonably high costs to the Sheriff's Office because of the nature of the request in the particular instance, and the Sheriff's Office specifically identifies the nature of these unreasonably high costs.
 - Overtime. Overtime wages shall not be included unless agreed to by the requestor.
 - Description of Charge. The detailed itemization will include both the hourly wage and the number of hours charged.
 - Fringe Benefit Costs. The Sheriff's Office may also add up to 50% to the applicable labor charge amount (but may not exceed actual costs) to cover or partially cover the cost of fringe benefits if it clearly notes the percentage multiplier used to account for benefits, unless a requestor wants records that are available on the website. In which case, the fringe benefit multiplier can be greater than the 50% limitation.
- For public records provided to the requestor on nonpaper physical media (discs, flash drives, e-mails), the Sheriff's Office may charge the actual and most reasonably economical cost of the media.
 - For paper copies, the Sheriff's Office may charge the actual total incremental cost of necessary duplication or publication not to exceed \$.10 per page (single or double sided) for 8½ by 11 inch paper or 8½ by 14 inch paper. The Sheriff's Office will charge the actual cost of copies made on paper of a different size. The Sheriff's Office will use double-sided printing, if cost saving and available.
 - The Sheriff's Office may charge the actual cost of mailing and the least expensive form of postal delivery confirmation.

F. Will a Deposit be Required? When do I have to Pay the Deposit?

- The Sheriff's Office may require a good-faith deposit of ½ of the estimated fee if the entire fee estimate or charge authorized under the FOIA exceeds \$50.00, based on a good-faith calculation of the total estimated fee.
- The Sheriff's Office will also provide a best efforts, nonbinding estimate of the time frame it will take the Sheriff's Office to provide the public records to the requestor.

- If the Sheriff's Office has granted a prior request but has not been paid in full, the Sheriff's Office may require a deposit of up to 100% of the estimated fee if all of the following apply:
 - The final fee for the prior written request was not more than 105% of the estimated fee.
 - The public records made available contained the information being sought in the prior written request and are still in the Sheriff's Office's possession.
 - The public records were made available to the individual, subject to payment, within the time frame estimate described Section 4(7) of the FOIA.
 - Ninety days have passed since the Sheriff's Office notified the individual in writing that the public records were available for pick up or mailing.
 - The individual is unable to show proof of prior payment to the Sheriff's Office.
 - The Sheriff's Office calculates a Detailed Itemization that is the basis for the current written request's increased estimated fee deposit.

The Sheriff's Office shall no longer require an increased estimated fee deposit if **any** of the following apply:

- The individual is able to show proof of prior payment in full to the Sheriff's Office;
 - The Sheriff's Office is subsequently paid in full for the applicable prior written request; or
 - Three hundred sixty-five days have passed since the individual made the written request for which full payment was not remitted to the Sheriff's Office.
- If a deposit is not received within 45 days from receipt of the deposit notice letter (it is considered received 3 days after it is sent), and no appeal of the deposit amount is filed, the request is abandoned. The notice of a deposit will include the date by which the deposit must be received (48 days after notice is sent).

G. Am I Entitled to a Wavier or Reduction of Fees?

- A reduction of the fee by \$20.00 is available to certain individuals who submit an affidavit stating they are indigent and receiving public assistance, or if not receiving public assistance, stating facts showing inability to pay because of indigency. For this reduction to apply, the individual may not have received discounted fees twice during that calendar year and the person may not be requesting on behalf of parties who are paying to make the request.
- A reduction of the fee by \$20.00 is also available to certain non-profit organizations formally carrying out activities under subtitle C of the developmental disabilities assistance and bill of rights act of 2000, and the protection and advocacy for individuals with mental illness act, provided that the request is made on behalf of the organization or its clients, is made for a reason consistent with the laws under Section 931 of the mental health code and is accompanied by documentation of its designation by the state.

- The FOIA Coordinator may reduce or waive the imposition of fees if the FOIA Coordinator determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.
- If the Sheriff's Office does not respond to a written request in a timely manner as required by the FOIA, the Sheriff's Office shall reduce the charges for labor costs by 5% for each day the Sheriff's Office exceeds the time permitted, with a maximum 50% reduction, if the late response was willful and intentional or the written request included specific language as set forth more fully in the Procedures and Guidelines.

H. How Can I Appeal a Decision to Deny All or Part of My Request?

- If a requestor desires to appeal all or part of a decision to deny a request, the requestor must submit to the Cass County Board of Commissioners ("County Board") a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.
- The County Board is not considered to have received a written appeal until the first regularly scheduled meeting after submission of the written appeal.
- The County Board will respond within 10 business days by reversing the disclosure denial, upholding the denial, revising in part and upholding in part the denial or issuing a 10 business day extension.

I. How Can I Appeal a Determination of the Fee or Deposit Amount?

- The requestor may submit to the County Board a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the Procedures and Guidelines or Section 4 of the FOIA.
- The County Board is not considered to have received a written appeal until the first regularly scheduled meeting after submission of the written appeal.
- The County Board will respond within 10 business days by waiving the fee, reducing the fee and explaining the basis for the remaining fee, upholding the fee or issuing a 10 business day extension.

J. Can I File a Lawsuit Regarding the Denial of a FOIA Request?

- If the County Board fails to respond to a written appeal or if the County Board upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requestor may seek judicial review of the nondisclosure by commencing a civil action within 180 days after the Sheriff's Office's final determination to deny a request. A requestor may also commence a civil action in the circuit court to compel the Sheriff's Office's disclosure of the public records within 180 days after the Sheriff's Office's final determination to deny a request. The requestor is not required to appeal the denial to the County Board before commencing the civil action.
- If a person prevails in an action regarding the denial of a request, the court shall award reasonable attorneys fees, costs and disbursements. If the person prevails in part, the court may award all or a portion of the attorneys' fees, costs and disbursements. If the

court determines the FOIA was arbitrarily or capriciously violated, the court shall order a civil fine of \$1,000.00 to be paid to the state treasury. The court may also award actual, compensatory or punitive damages.

K. Can I File a Lawsuit Regarding the Fee Charged For a FOIA Request?

- A requestor may commence a civil action in the circuit court for a fee reduction if the Sheriff's Office (1) failed to respond to a written appeal or (2) issued a determination of a written appeal. This action must be filed within 45 days after receiving notice of the determination of an appeal to the County Board. The requester must file an appeal for a fee reduction before commencing a circuit court action.
- If a person prevails in an action by receiving a reduction of 50% or more of the total fee, the court may award all or a portion of the reasonable attorneys' fees. If the court determines FOIA was arbitrarily or capriciously violated, the court shall order a civil fine of \$500.00 to be paid to the state treasury. The court may also award actual, compensatory or punitive damages.

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CASS COUNTY SHERIFF'S OFFICE DETAILED ITEMIZATION

LABOR CHARGES	
A. Cost for Searching for, Locating and Examining of Public Records 1. <i>Determination of Hourly wage:</i> \$ _____ \$ _____ (Employee 2 ("E2"), if applicable) \$ _____ (Employee 3 ("E3"), if applicable) ☐ Hourly wage includes a fringe benefit percentage multiplier of _____% 2. <i>Determination of total time using increments of 15 minutes with partial time rounded down:</i> _____ hours; E2 _____; E3 _____. The FOIA Coordinator has determined that failure to charge this fee would result in unreasonably high costs to the Sheriff's Office because of the nature of the request in the particular instance because of the following reasons: _____ _____	Hourly wage: \$ _____ \$ _____ (E2) \$ _____ (E3) Total time: _____ hours _____ hours (E2) _____ hours (E3) A. Total Fee (hourly wage x total time): \$ _____
B. Cost for Separating Exempt Information, including Redaction of Documents. 1. <i>For employees:</i> a. <i>Determination of the Hourly wage:</i> \$ _____ \$ _____ (Employee 2 ("E2"), if applicable) \$ _____ (Employee 3 ("E3"), if applicable) ☐ Hourly wage includes a fringe benefit percentage multiplier of _____% b. <i>Determination of total time using increments of 15 minutes with partial time rounded down.</i> _____ hours; E2 _____; E3 _____. The FOIA Coordinator has determined that failure to charge this fee would result in unreasonably high costs to the Sheriff's Office because of the nature of the request in the particular instance because of the following reasons: _____ _____ 2. <i>For Contracted Labor Costs:</i> ☐ The FOIA Coordinator has determined that the Sheriff's Office does not employ a person capable of deleting exempt information from non-exempt information in the particular instance and the work is being performed by the following person or firm: _____	Hourly wage: \$ _____ \$ _____ (E2) \$ _____ (E3) Total time: _____ hours _____ hours (E2) _____ hours (E3) B1. Total Fee (hourly wage x total time): \$ _____

a. Determination of the Hourly wage: The hourly wage of the contracted labor (not to exceed 6 times the State of Michigan minimum hourly wage): \$ _____ b. Determination of total time using increments of 15 minutes with partial time rounded down. _____ hours. ☐ The FOIA Coordinator has determined that failure to charge this fee would result in unreasonably high costs to the Sheriff's Office because of the nature of the request in the particular instance because of the following reasons: _____ _____	Contracted labor hourly wage: \$ _____ Contracted labor hours: _____ hours B.2 Total Fee for contracted labor (hourly wage x hours): \$ _____
C. Cost for Duplication and Publication. 1. Determination of the Hourly wage: \$ _____ ☐ Hourly wage includes a fringe benefit percentage multiplier of _____% 2. Determination of total time using increments of one (1) minute with partial time rounded down. _____ hours.	Hourly wage: \$ _____ Total time: _____ hours C. Total Fee (hourly wage x hours) \$ _____
Other Actual Costs	
D. Costs for Paper Copies. The actual total incremental cost of necessary duplication and publication using the most economical means available: 1. Not to exceed \$.10 per sheet for 8 ½ by 11 or 8 ½ by 14 in paper: \$ _____ per sheet x _____ number of sheets = \$ _____. 2. Other paper sizes: \$ _____ per sheet x _____ number of sheets = \$ _____.	D. Total Fee (add totals for all sizes of paper): \$ _____
E. Costs for Nonpaper Physical Media. The actual and most reasonably economical cost of the computer disc, flash drives, computer tape or other similar media: \$ _____ per item x _____ number of items .	E. Total Fee: \$ _____
F. Cost of Mailing: 1. The actual cost of mailing: \$ _____ 2. Fee for the least expensive postal delivery confirmation: \$ _____ 3. Costs for the envelope or box for mailing \$ _____. ☐ The requestor has stipulated to expedited shipping and/or insurance and those costs are listed above as the actual costs of mailing.	F. Total Fee: (add all 3 costs): \$ _____
Total Fee (If No Deposit) Fee paid on: _____	

Deposit Required	
☐ The Sheriff's Office requires a deposit of \$_____ (1/2 of the estimated fee) and this total estimated fee exceeds \$50.00. ☐ The Sheriff's Office requires a deposit of \$_____ (100% of the estimated fee) because this request meets the statutory requirements for failing to pay for prior requests under Section 4(11) of the FOIA. The deposit must be received on or before _____. If the deposit is not received by this date, the request will be considered abandoned.	Deposit Amount: \$_____ Deposit Paid on _____
Total Fee \$_____ - Deposit Amount \$_____ = Remaining Fee Due of \$_____ Fee Paid on _____	Total Fee Due: \$_____

Costs for Providing Documents Available on the Website	
The Sheriff's Office has notified the requestor in its written response that all or a portion of the requested information is available on its website. The Sheriff's Office has determined that the detailed itemization of the cost of the information that is available on the website is \$_____.	Total Fee: _____

Reductions for Late Response	
Reduction for Late Response: If the Sheriff's Office does not respond to a written request in a timely manner, the Sheriff's Office shall reduce the charges for labor costs by 5% for each day the Sheriff's Office exceeds the time permitted, with a maximum 50% reduction. _____ days x 5% of labor costs = \$_____	Subtract \$_____ of labor charges (up to 50% of labor costs).

CASS COUNTY SHERIFF'S OFFICE DETAILED ITEMIZATION

LABOR CHARGES	
A. Cost for Searching for, Locating and Examining of Public Records in Conjunction with Receiving and Fulfilling a <u>Granted Written Request</u>. 1. Determination of the Hourly wage: The hourly wage of the lowest paid public employee capable of searching for, locating and examining the public records in this particular instance regardless of who actually performs the labor. \$ _____ ☐ This labor charge includes fringe benefit costs (up to 50% of the applicable labor charge but not more than the actual costs of fringe benefits) using the hourly wage identified above and a percentage multiplier of _____% (hourly wage x percentage multiplier=\$ _____) ☐ This hourly wage is an overtime rate that <u>was agreed to by the requestor</u> in the amount of \$ _____ per hour. 2. Determination of total time using increments of 15 minutes with partial time rounded down. (So, for 15 minutes, use .25 hours; 30 minutes, use .5 hours; for 45 minutes use .75 hours). _____ hours. ☐ The FOIA Coordinator has determined that failure to charge this fee would result in unreasonably high costs to the Sheriff's Office because of the nature of the request in the particular instance because of the following reasons: _____ _____	Hourly wage: \$ _____ Total time: _____ hours A. Total Fee (hourly wage x total time): \$ _____
B. Cost for Separating Exempt Information from Non-Exempt, including Redaction of Documents. 1. For <u>Employee Labor Costs</u>: a. Determination of the Hourly wage: The hourly wage of the lowest paid public employee capable of searching for, locating and examining the public records in this particular instance regardless of who actually performs the labor. \$ _____ ☐ This labor charge includes fringe benefit costs (up to 50% of the applicable labor charge but not more than the actual costs of fringe benefits) using the hourly wage identified above and a percentage multiplier of _____% (hourly wage x percentage multiplier = \$ _____) ☐ This fee is an overtime rate that <u>was agreed to by the requestor</u> in the amount of \$ _____ per hour. b. Determination of total time using increments of 15 minutes with partial time rounded down. (So, for 15 minutes, use .25 hours; 30 minutes, use .5 hours). _____ hours.	1.a Hourly wage for employees: \$ _____ 1.b Total time for employees: _____ hours 1.c Total Employee labor charge (hourly wage x hours): \$ _____

2. <i>For Contracted Labor Costs:</i> ☐ The FOIA Coordinator has determined that the Sheriff's Office does not employ a person capable of deleting exempt information from non-exempt information in the particular instance and the work is being performed by the following person or firm: _____ a. Determination of the Hourly wage: The hourly wage of the contracted labor (not to exceed 6 times the State of Michigan minimum hourly wage): \$_____ ☐ This hourly wage is an overtime rate that <u>was agreed to by the requestor</u> in the amount of \$_____ per hour. b. Determination of total time using increments of 15 minutes with partial time rounded down. (So, for 15 minutes, use .25 hours; 30 minutes, use .5 hours; 45 minutes use .75 hours). _____ hours. ☐ The FOIA Coordinator has determined that failure to charge this fee would result in unreasonably high costs to the Sheriff's Office because of the nature of the request in the particular instance because of the following reasons: _____ _____ _____	2.a Contracted labor hourly wage: \$_____ 2.b Contracted labor hours: _____ hours 2.c Total Fee for contracted labor (hourly wage x hours): \$_____
C. Cost for Duplication and Publication. 1. Determination of the Hourly wage: The hourly wage of the lowest paid public employee capable of searching for, locating and examining the public records in this particular instance regardless of who actually performs the labor. \$_____ ☐ This labor charge includes fringe benefit costs (up to 50% of the applicable labor charge but not more than the actual costs of fringe benefits) using the hourly wage identified above and a percentage multiplier of _____% (hourly wage x percentage multiplier = \$_____) ☐ This hourly wage is an overtime rate that <u>was agreed to by the requestor</u> in the amount of \$_____ per hour. 2. Determination of total time using increments of one (1) minute with partial time rounded down. _____ hours.	Hourly wage: \$_____ Total time: _____ hours C. Total Fee (hourly wage x hours) \$_____

Other Actual Costs		
D. Costs for Paper Copies. The actual total incremental cost of necessary duplication and publication using the most economical means available: 1. Not to exceed \$.10 per sheet for 8 ½ by 11 or 8 ½ by 14 in paper: \$_____ per sheet x _____ number of sheets = \$_____. 2. Other paper sizes: \$_____ per sheet x _____ number of sheets = \$_____.		D. Total Fee (add totals for all sizes of paper): \$_____
E. Costs for Nonpaper Physical Media. The actual and most reasonably economical cost of the computer disc, flash drives, computer tape or other similar media: \$_____ per item x _____ number of items .		E. Total Fee: \$_____
F. Cost of Mailing: 1. The actual cost of mailing: \$_____ 2. Fee for the least expensive postal delivery confirmation: \$_____ 3. Costs for the envelope or box for mailing \$_____. ☐ The requestor has stipulated to expedited shipping and/or insurance and those costs are listed above as the actual costs of mailing.		F. Total Fee: (add all 3 costs): \$_____
Costs for Providing Documents Available on the Website		
G. ☐ The Sheriff's Office has notified the requestor in its written response that all or a portion of the requested information is available on its website. The following is a detailed itemization of the cost of the information that is available on the website: 1. <i>Labor Costs – Searching for, locating and examining:</i> a. Determination of Hourly wage: The hourly wage of the lowest paid public employee capable of searching for, locating and examining the public records in this particular instance regardless of who actually performs the labor. \$_____ ☐ This labor charge includes fringe benefit costs (up to 50% of the applicable labor charge but not more than the actual costs of fringe benefits) using the hourly wage identified above and a multiplier of _____% (hourly wage x percentage multiplier =\$_____) ☐ This fee is an overtime rate that <u>was agreed to by the requestor</u> in the amount of \$_____ per hour. b. Determination of total time using increments of 15 minutes with partial time rounded down _____ hours.		1. Total fee (hourly wage x hours): \$_____

2. <i>Labor Costs: Copying or Duplication:</i> a. Determination of Hourly wage: The hourly wage of the lowest paid public employee capable of searching for, locating and examining the public records in this particular instance regardless of who actually performs the labor. \$ _____ ☐ This labor charge includes fringe benefit costs (up to 50% of the applicable labor charge but not more than the actual costs of fringe benefits) using the hourly wage identified above and a multiplier of _____% (hourly wage x percentage multiplier = \$ _____) ☐ This hourly wage is an overtime rate that <u>was agreed to by the requestor</u> in the amount of \$ _____ per hour. b. Determination of total time using increments of ____ minutes with partial time rounded down. _____ hours. 3. The actual total incremental cost of necessary duplication and publication: a. Not to exceed \$.10 per sheet for 8 ½ by 11 or 8 ½ by 14 in paper: \$ _____ per sheet x _____ number of sheets = \$ _____. b. Other paper sizes: \$ _____ per sheet x _____ number of sheets = _____. 4. Costs for Nonpaper Physical Media \$ _____ per item x _____ number of items. 5. Cost of Mailing: a. The actual cost of mailing in a reasonably commercial and justifiable manner: \$ _____ b. The charge for the least expensive postal delivery confirmation: \$ _____ c. Costs for the envelope or box for mailing. \$ _____ ☐ The requestor has stipulated to expedited shipping and/or insurance and those costs are listed above as the actual costs of mailing.	2. Total fee (hourly wage x hours): \$ _____ 3. Total cost for paper copies: \$ _____ 4. Total cost for nonpaper physical media: \$ _____ 5. Total cost of Mailing: \$ _____ G. Total Cost for Providing Documents: \$ _____
1. Subtotal Charges: Add Items A – F Above: 2. Subtotal with Website Document Charges from G above if applicable	Total Fee: \$ _____ Total Fee with website records included if applicable \$ _____.

Waivers or Reductions		
Public Interest Reduction or Waiver. The FOIA Coordinator may reduce or waive the imposition of fees if the FOIA Coordinator determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public. ☐ Fee waiver granted or granted in part for a reduction of \$_____		Subtract \$_____
Waiver of Fees of First \$20.00. A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request by either of the following: 1. <u>Indigency</u> : Certain individuals who submit an affidavit stating that the individual is indigent or receiving public assistance as stated more fully in the FOIA and the Sheriff's Office's Procedures and Guidelines. ☐ FOIA Coordinator Approves the Waiver. 2. <u>Certain Non-Profit Organizations</u> . A non-profit organization formally designated by the state to carry out activities under subtitle C of the developmental disabilities assistance and bill of rights act of 2000, and the protection and advocacy for individuals with mental illness act as stated more fully in FOIA and the Sheriff's Office's Procedures and Guidelines. ☐ FOIA Coordinator Approves the Waiver.		Subtract Waiver of Fee: \$_____
Reduction for Late Response: If the Sheriff Office does not respond to a written request in a timely manner, the Sheriff Office shall reduce the charges for labor costs by 5% for each day the Sheriff's Office exceeds the time permitted, with a maximum 50% reduction. However, this reduction only applies (1) if the late response was willful and intentional or (2) the request contained the language required by the FOIA for such reduction (See Procedures and Guidelines). _____ number of days x 5% of labor costs = \$_____		Subtract \$_____ of labor charges (up to 50% of labor costs).
Final Total After Any Applicable Reductions or Waivers:		\$_____
Deposit: ☐ The Sheriff's Office requires a deposit of \$_____ (1/2 of the estimated fee) and this total estimated fee exceeds \$50.00. ☐ The Sheriff's Office requires a deposit of \$_____ (100% of the estimated fee) because this request meets the statutory requirements for failing to pay for prior requests under Section 4(11) of the FOIA. The deposit must be received on or before _____. If the deposit is not received by this date, the request will be considered abandoned.		Deposit Amount: \$_____ ☐ Deposit Paid on _____
Total Fee \$_____ - Deposit Amount \$_____ = Remaining Fee Due of \$_____ ☐ Fee Paid on _____		Total Fee Due: \$_____

Re: Freedom of Information Act
Deposit Required

The Cass County Sheriff's Office ("Sheriff's Office") received your Freedom of Information Act ("FOIA") request. The Sheriff's Office requires a deposit before further processing this request.

The Sheriff's Office has determined that the total good faith estimate of the cost of processing this request will be \$_____ (see attached Detailed Itemization Sheet). The Sheriff's Office will process your request after you have paid a deposit of \$_____ (which is ½ the total estimated costs), as provided in Section 4(8) of the Michigan Freedom of Information Act. MCL 15.234(8). The deposit must be received by _____ **[insert date that is 48 days after the date this notice is sent]** or the request will be considered abandoned by law.

The Sheriff's Office estimates that it will be able to provide the documents to you within _____ days of receiving the deposit. Please be advised that this date is a good faith estimate of the timeframe required to provide the documents as set forth more fully in Section 4(8) of the FOIA.

The Sheriff's Office FOIA Procedures and Guidelines and the written FOIA summary can be found at www.ccsso.info.

Should you have any questions, please feel free to contact me.

Sincerely,

FOIA Coordinator

Re: Freedom of Information Act Request
Invalid Request

On _____, the Cass County Sheriff's Office ("Sheriff's Office") received your Freedom of Information Act request. Pursuant to the FOIA, a request from a person (other than an individual who qualifies as indigent under the FOIA), must include the requesting person's complete name, address, and contact information, and, if the request is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual. An address must be written in compliance with United States Postal Service addressing standards. Contact information must include a valid telephone number or electronic mail address.

Your request does not contain the information required by the FOIA; therefore, the Sheriff's Office will not process your request.

Sincerely,

FOIA Coordinator

86067:00001:5849096-1



October Meeting Dates and Times

Townships	Date	Time	How
Calvin	11/09/21	6:00 PM	In Person
Howard	11/16/21	7:00 PM	In Person
Jefferson	11/11/21	6:30 PM	In Person
LaGrange	11/15/21	7:00 PM	In Person
Marcellus	11/16/21	6:00 PM	In Person
Mason	11/09/21	7:00 PM	In Person
Milton	11/09/21	7:00 PM	In Person
Newberg	11/08/21	7:00 PM	In Person
Ontwa	11/08/21	7:00 PM	In Person
Penn	11/08/21	6:30 PM	In Person
Pokagon	11/10/21	7:00 PM	In Person
Porter	11/09/21	7:00 PM	In Person
Silver Creek	11/10/21	7:00 PM	In Person
Volinia	11/08/21	6:30 PM	In Person
Wayne	11/01/21	7:00 PM	In Person
City of Dowagiac			
	11/08/21	7:00 PM	In Person
	11/22/11	7:00 PM	In Person
Villages			
Cassopolis	11/08/21	6:30 PM	In Person
Edwardsburg	11/15/21	7:00 PM	In Person
Marcellus	11/09/21	7:00 PM	In Person
	11/23/21	7:00 PM	In Person
Vandalia	11/08/21	7:00 PM	In Person
Boards & Commissions			
Cass District Library	11/15/21	6:00 PM	In Person
Cass County Cons Dist	11/08/21	3:00 PM	In Person at Council on Aging, Decatur Rd.
Economic Dev Corp	11/24/21	8:30 AM	In Person
Historical Commission	11/11/21	5:00 PM	In Person
Medical Care Facility	11/22/21	10:00 AM	Zoom
Parks Board	11/10/21		In Person
Planning Commission	11/24/21	4:00 PM	In Person
Road Commission	11/18/21	9:00 AM	In Person
Transportation	11/08/21	8:00 AM	In Person
VanBuren/Cass Dist			
Health Dept	11/10/21	3:00 PM	In Person 302 S. Front St. Dowagiac
Woodlands	11/30/21	4:00 PM	In Person